



STATE OF NEW JERSEY

COUNTY AND MUNICIPAL GOVERNMENT  
STUDY COMMISSION AND  
DEPARTMENT OF  
COMMUNITY AFFAIRS



*Handbook for  
County Charter Study  
Commissioners*

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County and Municipal  
Government Study Commission  
and  
Department of Community Affairs

Handbook  
for  
County Charter Study  
Commissioners

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## State of New Jersey

COUNTY AND MUNICIPAL  
GOVERNMENT STUDY  
COMMISSION

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### Foreword

The New Jersey County and Municipal Government Study Commission and the New Jersey Department of Community Affairs present this handbook as a service to County Charter Study Commissioners and other organizations and individuals participating in county charter studies.

The essence of home rule is that decisions of local impact should be made by those whom they will affect most strongly. The Optional County Charter Law is well within the spirit of home rule; it offers the people of each county the chance to study their county government and to determine whether another form of government is better suited to their county than the one it presently has. The charter study commissioners are the elected representatives in this home rule tradition. This handbook is meant not to suggest to them what options they should choose for their county. Rather it is to help them become sufficiently familiar with the duties of the charter study commissioner and with the problems that the charter study commission will face, so that they can do a better job no matter what they finally decide. This book is in no way meant to suggest that any particular form—or indeed change *per se*—is necessarily a good idea for any given county.

There will be nothing easy about being a charter study commissioner. Nine months from the time of the charter study commission's election it will have to report to the people of the county on what form of county government they believe will be best for the county in the coming years. To get to that point will require a great deal of hard work, absorption of facts and ideas, and many, many long hours in public and private sessions. This book is no substitute for that grueling process. Rather,

it is meant to be of some assistance in preparing charter study commissioners for that process.

This handbook points out many of the questions that a commission must ask, without trying to say what the answers should be, for only the elected charter study commissioners can decide what is best for their county. On the other hand, the book does try to point out many problems and many issues which the commission will wish to consider during the course of its deliberations.

At this stage, the commissioner should be concerned primarily with the organization of the charter study commission and with the *processes* through which the commission should go to come to its final recommendations. If it goes through the right processes—if it does its “homework” properly—the answers for the county will make themselves obvious. It is the purpose of this manual to help the commission make sure that its charter study deliberations start and remain “on the right track” no matter what its ultimate destination may turn out to be.

In addition to this booklet, there is other help available for charter study commissions. In the back of the book is a list of state agencies and other groups offering technical assistance and literature which commissioners may find useful.

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## I. A Hectic Timetable

A commissioner may not yet know everything that a charter study commission is supposed to do, but it is important to know that the commission has only nine months to do it. In other words, under the Optional County Charter Law—Article I, Section 12—as quoted below, the commission *must* report to the people of the county by mid-August.

“The charter study commission shall report its findings and recommendations to the citizens of the county on or before the end of the ninth calendar month next following the date of its election in the form of a final report which it shall file with the county clerk.”

Since one should probably allow a couple of weeks for contingencies and printing, the report should be ready at the end of July, and since the commission probably won't start working on it until December 1st, and then one runs into the holidays, it is fair to say that the commission has somewhere between seven and eight months to do all the work, make all the decisions and write all the reports. That is not a very long time, especially if the commissioners must educate themselves on county government before being able to decide whether to recommend a new charter form to the voters of their county. Nevertheless, that is the timetable the law calls for and that is the timetable to which the commission must adhere.

One may see the reason for this tight schedule if one remembers that the purpose of the charter study commission is to decide if the county should change its form of government. If the commission *does* decide the county needs a change, that change will in all probability be voted on in the November after the report is issued.\* In other words, less than three months after the mid-August deadline, the voters of the county will vote on whatever charter change the commission chooses to recommend. This means that in order that public discussion and debate may take place, the report must be out and well distributed several months before the election. That is why a mid-August deadline is necessary. Anything longer than that in terms of a charter study reduces to virtually nothing the time for discussion before people must vote on what the commission has recommended. To reiterate, if a vote on the recommendations is to occur within one year from the time the charter

\* The commission can call an election sooner than the November election if its report is filed at the end of June (more than 120 days before the November general election), but such an occurrence is not likely.



FIGURE 1  
SAMPLE TIME CHART  
SUGGESTED WORK SCHEDULE FOR CHARTER STUDY COMMISSION

November 6, 1973	Charter Study Referendum Passes. Commission Elected.
November 21, 1973	Last day permitted by statute for clerk to convene organizational meeting of Charter Study Commission (hereafter Commission).
December 7, 1973	By now decisions on Commission administration, policy, procedures, staffing and research program should be made.
January 1, 1974	Budget request for inclusion in county preliminary budget should have been submitted by now.
January 8, 1974	Last day permitted by statute for Chairman of Commission to promulgate membership of Advisory Board.
January 31, 1974	By now Commission should have finished its study of the county's government. It should now begin deciding if change seems warranted. If so—
March 15, 1974	By now Commission should have finished examining alternatives for change and have finished its field trips and similar activity.
May 15, 1974	By now choices for charter plan recommendation should be made. Commission should also have determined the best representational structure through local group hearings, meetings, etc.
July 1, 1974	By now the Commission should have completed draft report and begun holding informal meetings/hearings on draft.
July 15, 1974	By now the Commission should have made revisions based on hearings and sent draft for printing.

FIGURE 1— (Continued)

SAMPLE TIME CHART  
SUGGESTED WORK SCHEDULE FOR CHARTER STUDY COMMISSION

August 6, 1974	Official filing with clerk. Printed copies ready on that date for distribution. If no change recommended, Commission is discharged. If Commission has recommended a vote on charter change, it should now provide for publication of findings, recommendations and proposed charter and commentary thereon for two successive weeks.
September- October, 1974	Commission should hold public presentations and do everything it can to familiarize the public with its work and recommendations. If the Commission has recommended passage of a special charter by the Legislature, then the Commission should begin working with the Board of Freeholders to see the Board petitions the Legislature for passage forthwith.
November 5, 1974	Public referendum on adopting Commission recommendations for charter change. Commission is officially discharged following vote. [Note: If any Commission files a report more than 120 days prior to the November general election, it has the statutory right to specify that the referendum be put to a special election not less than 60 nor more than 120 days following the filing of its report.]

study commission is elected, the final report must be out to the public by mid-August.

Figure 1 is a sample time chart. Obviously, each charter study commission may well wish to modify it, but the basic parameters are the date of organization on one end and the filing of the final report on the other. Whatever a commission decides to do, it has only nine months in which to do it. The succeeding chapters of this handbook will discuss the substantive steps to be taken during the time blocks suggested in Figure 1.

***After the Vote***

If the Charter Study Commission recommends adoption of a new form of government contained in the Charter Law and that recommendation is adopted in the November election, the schedule thereafter goes like this:

November 4, 1975 Election of first new Freeholder Board.

November 10, 1975 New Freeholder Board takes office.

May 1, 1976 New Freeholder Board adopts Administrative Code.  
All new agencies, officials, and relationships set forth in Code enter into effect at 12 Noon.

If the Commission recommends one of the four forms in the Charter Law and the voters accept the referendum, in all it takes two years and four months from election of the Charter Study Commission to passage of the Administrative Code.

## II. Formal Organization

According to Article I, Section 5, of the Optional County Charter Law, "the county clerk shall convene the first meeting of the charter study commission as soon as possible and in any event no later than 15 days after its election".\*

### A. Initial Decisions

At the initial meeting several things *must* happen and other things *should* happen:

(1) The law states that "at that meeting, the charter study commission shall organize itself and elect one of its members as chairman and another as vice-chairman, fix its hours and place or places of meeting, and adopt such rules for the conduct of its business as it may deem necessary and advisable". Obviously, the commission needs a presiding officer.

(2) The commission should make sure that the county's board of chosen freeholders has appointed a liaison officer to work with the charter study commission: first, to insure that the commission has office space, secretarial help and whatever other material or personal assistance it needs in its first weeks; and second, to insure on-going cooperation, since no study of the county can be undertaken successfully without the cooperation of the county government.

(3) The Commission should set procedural rules as to the conduct of its business and the times and places of its meeting. The commission is advised to use its common sense and to build its schedule around its member's convenience. If the commission is properly run, its deliberations will require a great deal of time; not all of it can be in the evening.

### B. Meetings and Public Statements

One important area which the commission should set up as one of its first series of questions deals with public participation. Should all meetings be open? Should some meetings be open? Or should there be

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\* In the highly unlikely event that a county clerk indicates he has no intention of calling this organizational meeting within the prescribed time, any member of the county charter study commission would have standing to file a proceeding in lieu of a prerogative writ in the Superior Court of New Jersey Appellate Division requesting that the court order the clerk to convene the organizational meeting of the charter study commission in accordance with the statute.

criteria established for what should be an open meeting versus what should be a closed meeting? It is probably advisable that the commission reserve the right to hold various types of both public and executive sessions. Some areas may emerge in the commission's work as sufficiently sensitive so that they should be held in executive session, at least until some probable solutions have been pointed out. At the same time, it is possible that during the course of studying the county, the commission may uncover some evidence which, if developed in more detail, would look entirely different, and premature exposure in the press might result in the formation of an unfavorable picture which in no way represented the actual fact. Thus, it is possible that the commission may well wish to hear certain things at least preliminarily in executive session. This option should be held open, but some policy should be set to insure maximum public participation throughout the deliberations.

One more point here: the commission should establish procedures for deciding who will speak on behalf of the charter study commission and when they will speak. In other words, set up a procedure for releasing public information; the alternative is to have individual statements which may not reflect the charter study commission as a whole and may be detrimental to its work.

### ***C. Relations With the Advisory Board***

Another question which should be answered almost immediately regards the charter study commission's advisory board. Their role is set forth in Article I, Section 8 of the Law.

"In any county in which a charter study commission has been established under this act, there shall also be established an advisory body to be known as the advisory board whose members shall have the right to participate in the deliberations of the charter study commission, but without the right to vote on commission recommendations or to endorse or dissent from any report of the commission by virtue of their official advisory role, although this in no way shall be deemed to inhibit their right to make comments as individuals after the release to the public of the charter study commission's report. The advisory board shall consist of the persons who, as of the second Tuesday of January next following the commission's organization meeting shall hold the following offices: the director of the county's board of freeholders, the county chairmen of the two political parties which received the largest vote in the county in three out of four of the most recent gubernatorial

elections, the mayor of the municipality having the largest population in the county and the mayor of the municipality having the smallest population of over 250 in the county, according to the last population estimate published by the Division of Economic Development of the New Jersey Department of Labor and Industry, one Senator and one member of the General Assembly, both of whom shall be members of the county's delegation in the Legislature and both of whom shall be residents of the county at the time of their election to the advisory body. The Senator and member of the General Assembly shall be elected to the advisory body by a majority vote of the whole number of the county's board of chosen freeholders within one week of the approval of the charter study referendum by the county's voters.

As the Commentary to the Law indicates, the advisors were put there as a realistic admission of the fact that no charter study can come into effect unless it has widespread political and institutional support. Moreover, no charter study will truly be realistic unless it has input from the political and governmental "establishment" of the county. With this in mind the advisory board was established. However, its membership is not promulgated at the same time as the commission and here a problem arises. Some members such as the county chairmen are immediately discernable as members while others, such as the legislative participants are selected by the board of chosen freeholders. Since in many counties this would mean that they would not be officially appointed until after January 1st (Figure 1—the suggested timetable—indicates that they must be promulgated by the second Tuesday in January), the commission may not know immediately who all of the people are who will be on the advisory body. Nevertheless, some will be known. How soon, therefore, should the commission invite some of these advisory body members to sit in?

This advisory board consists of influential political and governmental leaders who should be involved in the commission's deliberations as soon as it organizes. In the event that the freeholder board has not selected the membership yet, representatives of the potential nominees can be invited. At the very least, those members of the advisory body who are known, such as county political chairmen, might well be invited. The commission might also ask the board of freeholders to expedite their selection, as well.

The success of whatever emerges from the deliberations of the charter study commission must in great measure be based on public acceptance

of these recommendations, thus, the participation of these opinion leaders is very important. Moreover, since the advisory board is a statutory creature and must be set up anyway, the better relations are between the two groups, the better the resulting product of their common labor will be.

***D. The Commissioner of Community Affairs and Charter Study***

As Article I, Section 9 of the statute indicates:

“The Commissioner of the New Jersey Department of Community Affairs or his designee shall serve ex officio as a nonvoting advisor to all charter study commissions established under this act. It shall be his duty to collect, evaluate and transmit to each charter study commission such information, advice, plans, and policies as he may deem pertinent to county government and its relationship to State and municipal government. He shall meet with the charter study commission as frequently as the commission shall request in order to assist the commission in determining the best form to recommend for the county’s government.”

The Commissioner of Community Affairs has an important role to play in the deliberations of any charter study commission. As the statute indicates, he is the commission’s “window on state government.” It is up to him to lay before the commission all that it needs to know about state plans and policies as they will affect the county’s future.

The Commissioner of Community Affairs has at his disposal resources which are of great potential benefit to the charter study commission. The Department of Community Affairs has a staff of competent professionals in areas such as public administration, local finance, most major urban services, and intergovernmental relations. The Department is willing and anxious to offer to every charter study commission every bit of technical assistance and advice that it can.

One of the first steps a commission should take is to contact the Department of Community Affairs and arrange to have the Commissioner or his representatives appear at the charter study commission to discuss immediate needs, on-going relations and technical assistance to the commission. While the Department does have a specific statutory role, a prudent charter study commission will seek to use the Department’s services in every way it can so that the Department will actually in some instances be able to provide staff services and technical assistance to charter study commissions. These resources should be utilized to the fullest.

#### ***E. Secretaries and Minutes***

Among the initial requirements of the commission, of course, is that of stenographic records. The commission should first of all decide if it wants verbatim transcripts of each meeting, or whether running notes will do, or whether a technique such as tape recording with rough transcription, or summary transcriptions done by a secretary the next day will be adequate. Each course has different advantages. One would assume, however, that given the number of meetings that the charter study commission will hold, verbatim transcripts would probably come close eventually to filling the room where the charter study commission meets. Perhaps the technique of tape recordings with rough summaries is advisable in most instances, although obviously public hearings and meetings where crucial votes or crucial decisions are on the agenda might well be done verbatim. In any event, this is another procedural decision that must be made.

#### ***F. Working Subcommittees***

The commission should also decide in what areas it wishes to work as one group or "committee of the whole" and in what areas it wishes to set up working subcommittees to examine particular areas and report back to the commission. These questions can only be decided on the basis of each commission's conception of its duties and scope of inquiry and on the relationship among its members.



### III. Gearing Up for a Study

#### A. *Study Scope and Resources*

Does the commission first decide how much of a research job it wants to do, or does it first decide how much in the way of resources and manpower it may have or want to have and then go ahead from there to determine how much it *can* do? The sounder approach would be first to decide on the resources it wants and needs.

It is important to note that under the law the board of freeholders "shall appropriate a sum adequate to support a full study of the county's government as set forth in Section 7." Article I, Section 7, as set forth below gives the commission a broad mandate. In other words, the Legislature has determined that the freeholders must provide the commission with the wherewithal to carry on a full study.

"It shall be the function and duty of the charter study commission to study the form of government of the county, to compare it with other forms available under the laws of this State, to determine whether or not in its judgment the government of the county could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient, under a changed form of government."

The commission, then, can have whatever reasonable resources it feels it needs for its study. The actual size of the budget will be based on two factors. First, the size and complexity of the county's government, local conditions and needs, of which the commission is the best judge, and second, the manner in which the commission decides to perform its work—its staffing requirements. The first question—what elements should be studied—will be discussed in Chapter V. The section below deals with the question of who should carry out the study elements.

#### B. *Staffing the Commission*

Once the voters have voted to do a charter study, the commission and all its members should engage in sufficient research to back up any conclusion they may reach. Even if commission members, or other people, may be thoroughly convinced that a particular form is best, the charter study commission, once established, does have the duty of studying the matter to a sufficient depth so that if it does decide to

recommend a new form of county government, its findings and conclusions will persuade the voters to follow the commission's recommendations.

There are several basic options for staffing, all of which have some variations, but the major ones certainly are:

1. To have the charter study commission itself act as its staff and do all of its own research, report writing and other activities.
2. To have the county provide skilled people from its own staff to act as the staff to the charter study commission.
3. To seek volunteer and community help and/or help from local or county colleges and universities to act in a staff capacity.
4. To hire a commission staff or a professional consultant.

What one might term a fifth option would be some combination of the above.

One should also bear in mind here that the Department of Community Affairs, as was indicated earlier, stands ready to assist commissions in every way possible.

### ***The Commission as Its Own Staff***

The advantages of the commission's being its own staff are obvious. They are the people who are making the decision; they are the people charged with the statutory duty; they are the people who have got to dig in and know the subject, so by doing it themselves firsthand, they avoid having things boiled down for them, having things pre-digested, and they avoid having to run around other people's preconceptions to get to the truth. All it costs is their time and effort.

A possible disadvantage is the fact that a full charter study effort might well take so much time in larger counties that each charter study commissioner would have to commit himself to devoting a substantial amount of working time during the nine-month period. Not many people can afford that kind of time. Assuming the commissioners had the time, another drawback is that very often even the most public spirited of citizens would be hard-pressed to determine exactly how to go about looking at a county park commission or deciding how well the budgetary review process worked. In other words, the time it would take to become expert enough to make evaluations might well cancel out the feasibility of doing it without skilled help. Most of New Jersey's counties are sufficiently large and sophisticated so that the scope of a "do-it-yourself" operation in all but rural counties might well be beyond the average charter study commission.

### ***Utilizing County Personnel***

There is a great virtue in having the county supply the commission with staff. *First of all*, it minimizes cost. These county officials' salaries are being paid anyway. *Second*, the commission gets the benefit of practical, everyday experience in county government. *Third*, these staff people are usually at the courthouse and accessible.

On the negative side several points may arise. *First*, unless these people are performing no real service now, any nine-month reassignment to full-time duties for the charter study commission will mean that the county will have to provide the services through new people or through overtime; thus, there may not be a financial saving.

*Second*, because these people would themselves be part of the county structure, their thinking may be somewhat too conventional and may be inflexible in terms of exploring the alternatives that the charter study commission may wish to explore.

*Third*, being part of the present county structure, they may well have a vested interest in seeing it remain exactly as it is. Also, even if they personally do not, they are directly responsible, in many instances, to heads of autonomous agencies, or to freeholder department heads who themselves may be opposed to any recommendation for changes emerging from the deliberations. In other words, they would be serving two masters at the same time.

The purpose of an independently elected charter study commission and the guarantee of sustenance for that commission by the freeholders is a strong attempt on the part of the Legislature to enable commissions to have deliberations that are as independent and objective as possible. In that respect using the county's staff might well be a real problem.

### ***Community Action***

There is a great deal to be said for involving well versed individuals and groups from the community in a charter study. In fact, no charter study should seek to exclude the community. One might well seek to get knowledgeable and skilled members of various civic groups, the chamber of commerce, and local community colleges involved in a charter study. The advantages are obvious:

- low cost or no cost staff members in many cases.
- the political advantage of community involvement is important.
- utilization of the talent in local county areas to help solve local problems. These people know their county well.

Moreover, if a county does not fully utilize its county colleges and other educational facilities in instances like this, it is doing a disservice both to the commission and to the county.

The disadvantages of this approach are probably more practical than theoretical:

- Anyone who has worked with volunteer groups knows that there are tremendous problems of organization and administration and policy focus, problems which sometime mean one almost spends as much staff and leadership time and expense in coordination as one would by not using their "free" labor.
- Each set of volunteers will go at that task from its own perspective, and the difference between the viewpoint of the chamber of commerce and the League of Women Voters and undergraduates in a community college may well vary tremendously, so much so that the charter study commission may find it difficult to achieve any kind of compatibility among them sufficient to make judgments.
- Many of these people would have to educate themselves before they began research, thus losing a good deal of time on what is already a very short schedule.

Under a more leisurely schedule the shortcomings of volunteer labor might not create a problem; under the nine-month schedule one cannot allow for the kinds of problems in terms of time that housewives with children, and undergraduates with term papers, and professors with exam schedules will have to keep. In other words, it would require such a high degree of collective commitment that it may well be infeasible given the tight strictures of time involved.

### ***Paid Staff or Consultants***

The charter study commission could go out on the open market and hire an executive director and other staff members. Such a procedure does provide it with an in-house staff. On the other hand, it is very doubtful that even if the commission were willing to take the time to create its own staff it could find qualified, competent people willing to undertake what would amount to a less than a year-long job. Of course, it might well be that such a staff would also have to spend a good deal of time familiarizing itself with New Jersey local government, or county government in particular. Nevertheless, this option can and should be considered where it is feasible.

Another option is hiring a consulting firm to come in and provide staff services. The advantages of a consulting firm would be:

- their presumed expertise in the area.
- they would supply all the necessary personnel and carry out all the necessary activities under the direction of the charter study commission, thus minimizing the commissioners' research and administrative responsibilities.
- their objectivity, since their only client in the county would presumably be the charter study commission.
- they would tend to have the ability to insure job completion at an adequate quality level within the requisite time frame.

The disadvantages of consultants are:

- they do cost money. No consultant is going to come into a county and do a lengthy charter study for a small price. Most consulting firms charge their clients, depending on the skill of the staff people doing the job, anywhere from \$150 a day upward.
- unless the charter study commission works closely and vigorously to set policies with the consultants, they may go off on their own and turn in a product which is not satisfactory to the commission.
- consultants tend to try and offer one county what they've sold another county. Unless the charter study commission rides close herd on them, they will often try to get away with doing as little work as possible.

To hire a consultant does not relieve the charter study commission of responsibility. Rather, it focuses and channels that responsibility into a different set of tasks, one of which is directing closely and supervising at every step the work of that consultant just as it would any other staff it could obtain.

When interviewing consultants, a commission should try carefully to figure out exactly what it would be paying for. In other words, the commission should make a consultant give them a daily rate for the work being done so that it can figure out what kind of staff at what level will be doing the job. A consultant is in business like anyone else. A consultant must figure the same kinds of overhead, the same number of days per year, as anyone else. Commissioners should use their own business experience to scrutinize his rates and the value they will receive.

Perhaps the most important thing to remember in interviewing consultants is this: there are all kinds of consultants skilled in all kinds of areas. Consulting is an amorphous business, so the firm seeking the job might in actuality be a professional planning firm, a management consulting firm, a computer firm, part of an engineering firm, or one of a number of types of consultants.

It is, therefore, vital when interviewing such firms to be able to distinguish among them to determine which is best suited for what the commissioners have in mind. Commissioners should be prepared to ask the consultant very searching questions about his experience in local government in general, and in county government in particular.

In addition, it would be a good idea to ask the consultant exactly what studies he has done and to get copies of them. After all, a firm may claim a great deal of experience in county government but most of this experience may actually be in setting up electronic data processing systems for the county courts.

Finally, one might find a firm with the right kind of experience but in states sufficiently removed from New Jersey so that they would have to spend a great deal of the commission's time and money learning about the state. Commissions should ask consultants searching questions and review their previous work, to be sure they are getting the best help available.

The commission will have to decide whether to retain independent counsel or not, such counsel to be available to render opinions in those areas where the commission has legal questions. It cannot rely on the county to do this work. On the other hand, much of the drafting and other technical work will probably be done by the consultant or by an attorney for the consultant.

### ***C. Submitting a Budget***

As the previous sections indicated, the commission determines the size of its budget based on its needs. As to the form the budget request should take, the county administrator or clerk to the board or the liaison officer should be able to be helpful here so that the budget will be submitted in the proper form to insure speedy processing. The budget should be submitted to the board of freeholders by the end of December so that they may include the amount in the temporary budget they adopt before the end of January. If this is done the commission may then begin using its funds immediately after passage of the temporary budget.

The commission, as an "agency of county government", must follow all local budget law procedures. The liaison officer should get the

county's fiscal personnel to brief the commission on procedural requirements. The Division of Local Government Services in the Department of Community Affairs can be very helpful here in insuring proper procedures for this budgetary planning.

In drawing up the budget, prudence would dictate that the charter study commission should not seek to "cut corners" on budget items. Because of these same local budgeting procedures, it is very difficult to increase an appropriation once it is made. Therefore, the charter study commission should make sure its estimates are adequate and, if necessary, be able to turn back money at the end of its stewardship, rather than be forced to seek an emergency appropriation at a crucial point later on so that it may continue in existence. They have been elected to do a complete job and they should insure that they have the funds to do so. Even the holding of hearings and the dissemination of public information can be a costly business. At every step, the charter study commission should be sure it has adequate funding.

The commission should also seek to obtain private grants and donations wherever possible, as the statute authorizes them to accept and use such donations.

## IV. Deciding on the Scope and Content of the Study

### ***Introduction***

This chapter discusses two questions: (1) *What* should the charter study commission study? (2) *How* should it study? The chapter is, therefore, divided into two parts. The first is really a summary description of county government today. This discussion includes a description of the county's limited legal powers, state mandated county functions, fragmentation of county structure, and the dual role of the elected official as administrator and legislator. The second discusses ways of approaching a county's government in order to determine the extent to which the structural and political properties of today's county may or may not be desirable ones in the context of any individual county situation. It is mandatory that charter study commissioners go beyond the brief description of the county contained below. A *minimal* activity would be reading *County Government: Challenge and Change*—the report of the County and Municipal Government Study Commission upon which the Optional County Charter Law was based. This reading should be done as soon as the charter study commissioner is elected. It forms a base level of knowledge about county government from which each commissioner will have to build extensively in the months to come.

### ***A. New Jersey Counties Today***

The county in New Jersey is a unit of government which is fundamentally different in its structure from federal and state government on one hand and from municipal government on the other. It may be helpful to examine county government in terms of two significant areas: powers and structures. Once these aspects have been discussed it is possible to shift focus to look at the role the elected governing body of the county—the board of freeholders—plays in county policy setting and administration.

### ***Legal Powers***

Historically the county has not been a powerful unit of local government. It can even be questioned whether it has been traditionally a unit of *local* government. While municipal governments were created usually at the request of their inhabitants under special charters, county government was superimposed upon the landscape as a set of administrative districts through which the central government could exercise



its responsibilities in the administration of justice, taxation and other functions. Thus, while municipalities had an elected governing body legislating on their behalf under their charter or grant of power, the counties' officials—who at first were actually an appointed grand jury in the eighteenth century—exercised largely administrative powers related to the conduct of the business of state government.

Over the years as the Legislature broadened home rule powers, it gave new powers to municipalities rather than to counties. The courts of New Jersey have similarly held that it is municipalities, rather than counties, who have the right—the “police power”—to legislate for the general health, safety and welfare of their citizens. This means that while municipalities can pass strong ordinances in areas such as health, law enforcement, environmental protection and zoning, counties cannot. In terms of what one might term the “external” powers of legislation, counties are significantly weaker than their constituent municipalities.

Thus, county government differs from federal, state and municipal government in that the county's elected freeholders have nowhere near the degree of legislative power that similar legislators in the other three levels of government have.

In addition to the question of how much power the county has over its citizens and municipalities, there is another vital question: how much power does the county have over its own house? As the next section will indicate the county structure is extremely fragmented. In great measure this has been due to the fact that over the years as functions were added to the county level, the lack of any strong legislative power at the county level led the state legislature to vest responsibility for new functions in independent boards and agencies and commissions which usually had a high degree of independence from the board of freeholders. Even today these agencies retain a high degree of independence. In some cases the very creation and form of these agencies is mandated by state law. In others, the county is mandated to perform the service through some agency of its choosing, and in still others the creation of the agency is a county option but once the county decides to create it, state law calls for its administrative independence. As the next section will indicate, two or three of these agencies might well have similar functions. Yet the board of freeholders does not have the statutory authority to force these agencies to work together, to share equipment and personnel, or even to coordinate their activities effectively. In some instances the only *power* that the board of freeholders has is the power to appoint people to these boards. In other instances, they do not even have the power to question how much money these agencies should be spending. Even in comparatively simple undertakings like establishing a county motor

pool it is doubtful that the county has the legal authority to compel all county agencies to participate. Thus, the internal *power* in county government is as weak in comparison to other levels as its external power.

Even the relatively recent development of the creation in some counties of the post of county administrator has been seriously hampered by the fact that at least one court decision on the subject has ruled that under the present form of county government the board does not have the power to delegate any discretionary responsibilities to such an administrator. In other words, the administrator's legal powers in seeking to coordinate and consolidate performance of the county's duties are extremely limited.

In general then, the county government has no power over its constituent municipalities and its citizens and almost none over its own internal structure and organization. Every power the county has is set forth by statute and every new power it desires must also be given by a legislative act from Trenton.

### ***Structure***

To understand the county's structure one must understand the fact that many people share in its responsibilities. Some county officials are elected by the people. Some are appointed by the governor. Some are appointed and/or regulated by the chief justice. Some report to appointees of the governor, such as the superintendent of weights and measures, the county superintendent of schools, etc. Still others are appointed by elected officials such as the freeholders. And still others are appointed at the state level, subject to confirmation of the legislature. The organization chart included in this chapter shows the number of agencies which are simply not under the direct control of the board of chosen freeholders. In terms of tracing interrelationships among them, it would be almost impossible to do so in the limited space provided in this handbook. Suffice it to say that as the following tables indicate, the overwhelming majority of employees and funds at the county level are not under the control of the board of chosen freeholders—the elected officials to whom the public presumably looks for management and control of its tax dollars. In some counties the relationships between the freeholders and the numerous independent agencies are close. In some counties they are not. One of the jobs of the charter study commission, as the next section will indicate, is to determine the extent to which these agencies as they function today represent a problem or a source of inefficiency or a hindrance to effective provision of services because of the degree of independence from central administrative and legislative control which they presently enjoy.

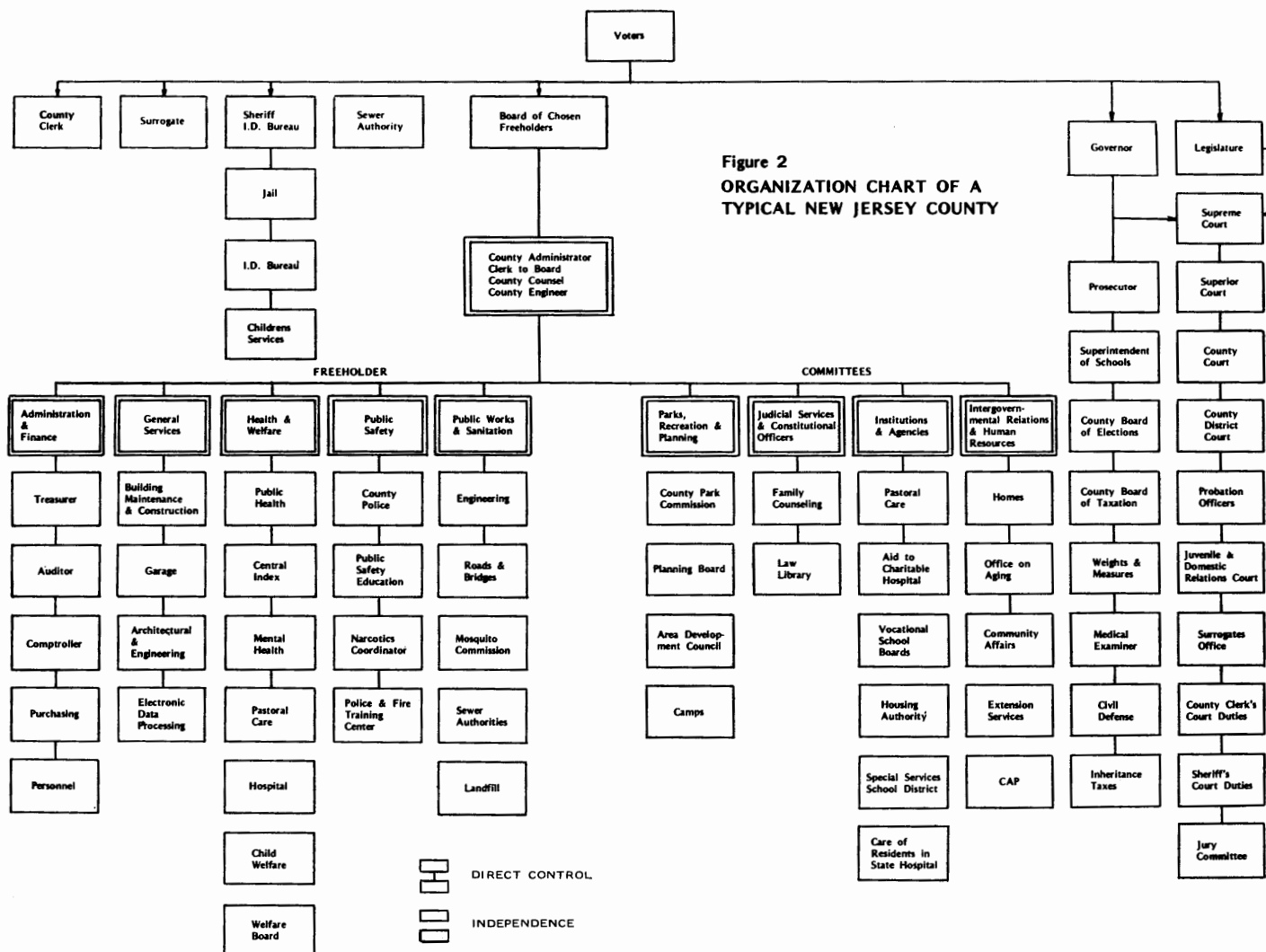
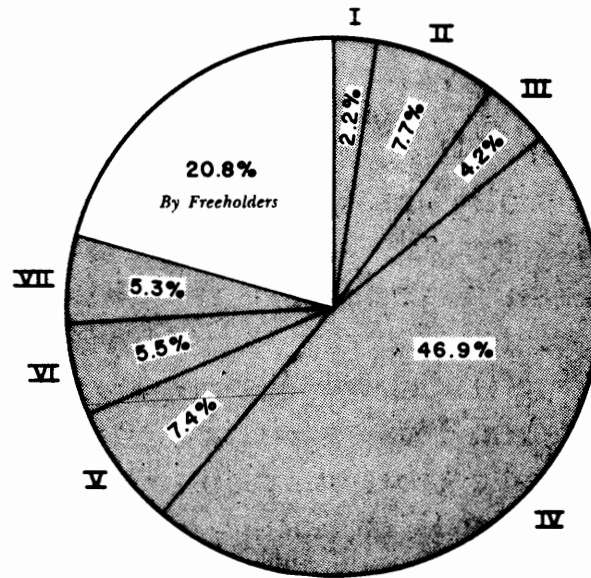
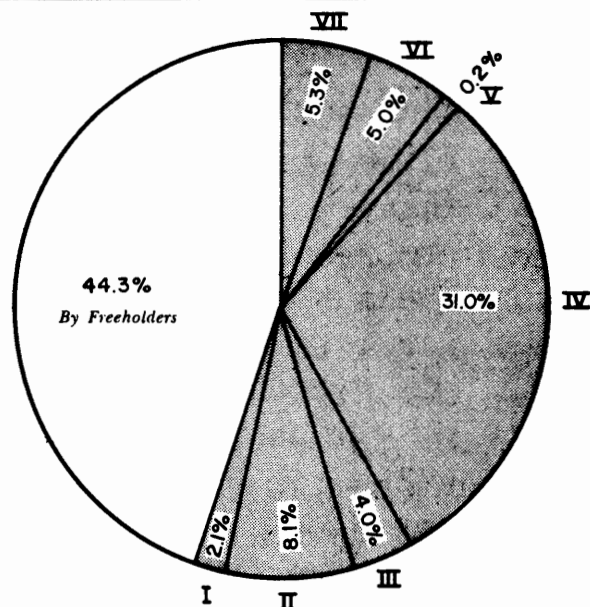


FIGURE 3A

PERCENT OF TOTAL COUNTY FUNCTIONAL EXPENDITURES, 1967



By Independent and Mandated Agencies



By Mandated Agencies Only

FIGURE 3B

## EMPLOYEES NOT DIRECTLY CONTROLLED BY FREEHOLDERS

<i>Classification</i>	<i>Expenditures</i>	<i>Number of Employees*</i>
<i>I. General Government</i>		
County Clerk .....	\$ 3,893,733.	794
County Surrogate .....	\$ 1,602,514.	244
County Register .....	\$ 1,000,579.	25
<i>II. Judiciary</i>	\$24,431,672.	1,985
(includes general county courts, districts courts, prosecutors' offices, jury commissions and law libraries)		
<i>III. Regulation</i>		
Sheriff's Office .....	\$ 3,875,870.	1,154
Board of Taxation .....	\$ 881,950.	129
Chief Medical Examiner .....	\$ 820,676.	54
Election Board .....	\$ 6,572,111.	469
Shade Tree Commission .....	\$ 776,166.	100
Weights and Measures Department ..	\$ 535,410.	66
<i>IV. Health and Welfare</i>		
County Board of Health .....	\$ 2,331,353.	240
County Welfare Board (including Child Welfare) .....	\$51,305,229.	2,535
Tubercular Patients .....	\$10,694,809.	484
Mental Health .....	\$43,226,695.	640
County Aid to General Hospitals .....	\$ 7,773,047.	..
County General Hospitals and Homes ..	\$29,051,971.	6,607
Mosquito Extermination .....	\$ 3,592,822.	351
<i>V. Education and Recreation</i>		
County Superintendent of Schools ....	\$ 647,156.	131
Vocational Schools .....	\$ 6,801,756.	1,277
County Extension Service .....	\$ 950,440.	200
County Colleges .....	\$ 3,372,027.	1,600
Park Commission .....	\$11,578,885.	971
<i>VI. Correctional and Penal</i>		
Jail .....	\$11,164,380.	724
Probation Department .....	\$ 6,281,918.	934
<i>VII. Other</i>		
Statutory Expenditures .....	\$16,753,670.	...
<i>Totals</i> .....	\$249,916,839.	21,714
% of Total County Functional Expenditures .....		79.2%
% of Total County Employees .....		68.4%
(1967 Total County Functional Expenditures ....	\$315,550,943	
Total County Employees .....	31,740)	
* Employment data in some cases are averages of a few counties projected over the entire state.		

### ***The Role of the Freeholder***

Having established that the freeholder only controls 20 to 30 percent of the counties' budgeted employees, one can now go on to examine that which the freeholder does control. The report of the County and Municipal Government Study Commission found that the freeholder today is both a legislator and an administrator. In other words, each freeholder is responsible for the administration of a department of county government—he has specific administrative duties and control over county agencies—he actually signs the vouchers for his agencies, helps to prepare their budgets, and is directly involved in their day-to-day administration. What this means is that each freeholder, therefore, has accountability and responsibility for part of the county's administration. Students of government refer to this type of organization as the commission form of government. Its adherents claim that this gives the freeholder real insight and expertise in the running of county government and gives him a close "watchdog" role over operations. The County and Municipal Government Study Commission report found that freeholders under this system tended to be far too involved in their own particular department and not as concerned with the running of the county in general, and that, due to the high turnover of freeholders, they did not even have expertise in one particular area. Furthermore, it found that the compartmentalization of the government in this fashion, prohibited any effective centralization of administration and therefore precluded the benefits of a sound central personnel, budgeting, purchasing and fiscal policy in many instances. Moreover, the division of even what little authority was vested in the board of freeholders further added to the feeling of fragmentation and the frustration of municipalities and citizens wishing to ascertain who should be responsible for a particular county function. The chart below indicates the problem clearly enough.

As the commission's report stated:

"Even the most intelligent citizen seeking county services would have a problem obtaining satisfaction. If, for instance, behind his house, in a publicly-owned wooded area, there is a brackish creek which is a breeding ground for mosquitoes, whom does he call? In all probability he would call his mayor, who would refer him to the municipal engineer or health officer, who would in turn give him a choice of agencies to call. He might try his Freeholder, the County Public Works Department, the County Engineer, the Park Commission, or even the County Agent and the Soil Conservation Board, or the Shade Tree Commission, the County Health Officer, or the Mosquito Commission. While the latter might be the most logical choice, it would not necessarily be the right one."

Figure 4

SCHEMATIC DIAGRAM OF THE RELATIONSHIP BETWEEN FUNCTIONS,  
AGENCIES, AND THEIR STATUS IN COUNTY GOVERNMENT

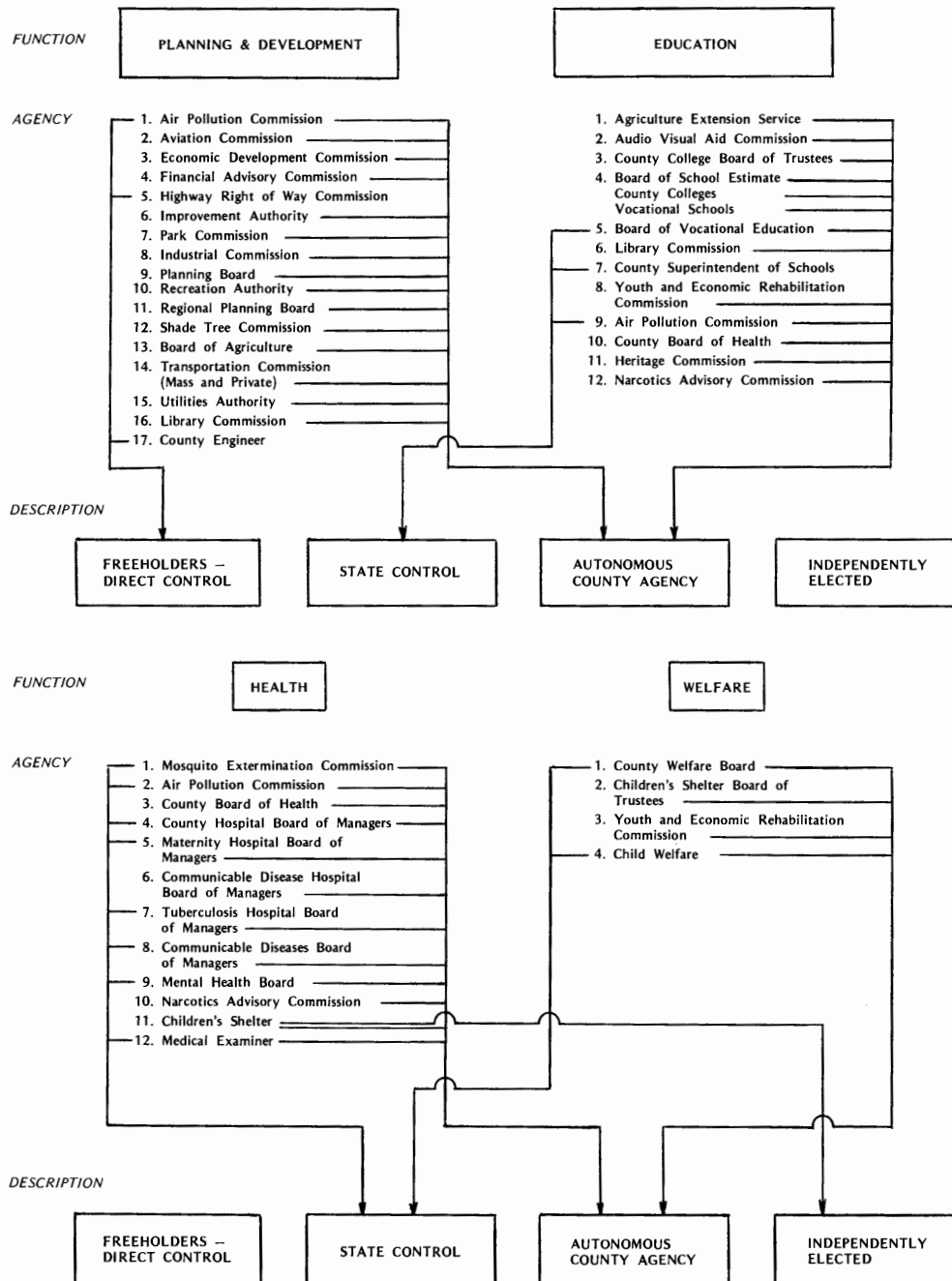
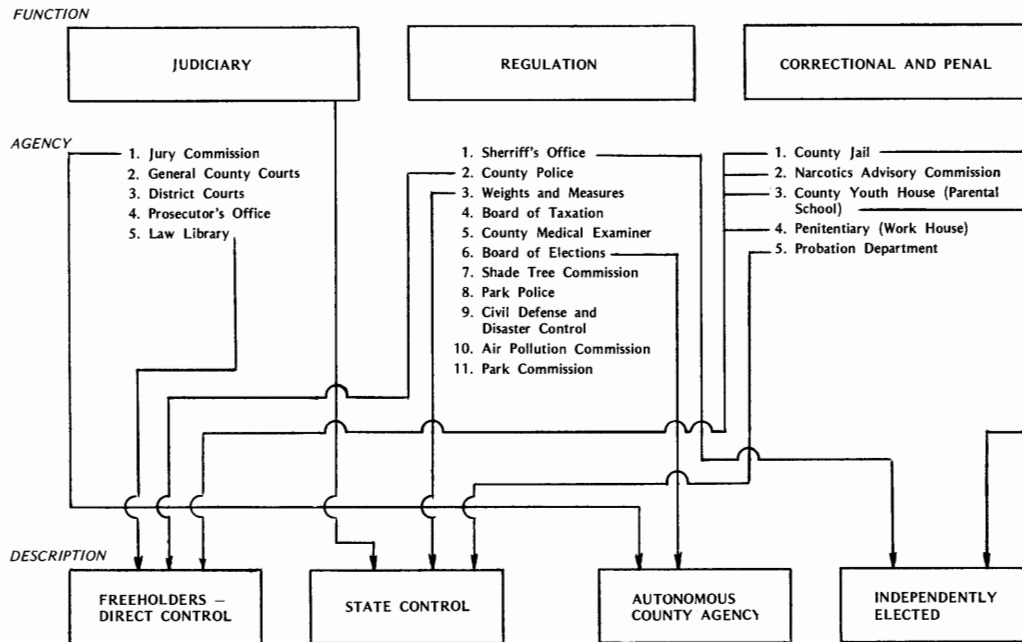


Figure 4 (continued)



### Conclusion

Critics of county government say that New Jersey county government today is in many respects not a true government at all. It neither has powers over others nor over itself. There is no central streamlined structure, no central administration and policy setting mechanism, neither the strength nor the flexibility to change rapidly to meet new situations and to improve its responsiveness to the public.

On the other hand, the adherents of the present structure say that freeholders do perform their administrative functions well, that the county manages to deliver its services in spite of its fragmented structure, that if more powers are needed the legislature is willing to grant them. In other words, the present structure, whatever its limitations may be, and the present powers, however few, are more than adequate to meet the tasks county government faces in most instances. Moreover, these adherents state, it is the quality of official not the type of structure which determines governmental adequacy.



It is the job of the charter study commission to judge which of these contentions is true in its own county.

***B. How to Examine the County's Government***

The statute sets a broad mandate for studying the county:

“It shall be the function and duty of the charter study commission to study the form of government of the county, to compare it with other forms available under the laws of this State, to determine whether or not in its judgment the government of the county could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient, under a changed form of government.”

It is clear from the foregoing discussion of county government today that the commission's initial task is to study the present structure and functioning of the county. How far that study should go—how deeply into county agencies and their functioning—really depends in great measure on the county and on the commission. It is fair to say in general, however, that the commission's role is a distinct one. It might be expressed this way: the commission must examine the basic structure of the county in light of the county's needs and problems to determine if a better basic form of government could better serve the county's citizens. Implicit in this definition is the realization that the commission is not in the business of examining every single county agency in minute accounting detail to determine if on an absolute efficiency basis it is efficient or somewhat wasteful or even profligate. The commission is not an efficiency and economy commission. Its purpose is to look at the basic skeletal structure of the county first and foremost and to determine if that structure needs major reforms.

There are a variety of ways this function may be approached. One way is to look at the services performed by the county—and the services the county should be performing—and to determine the extent to which the present structure facilitates coordination of activities, flexibility in program design and effective delivery, with efficiency in performance as another point to be considered.

A second avenue of inquiry is to examine the administration of the county in terms of the major administrative functions which would be important in any business. Budget preparation, personnel, purchasing, program review, financial administration would all be important areas. These run across program lines and across agency lines. No program can be truly effective unless it is well administered. Therefore, one could say that an examination of the internal administration would lead to

substantial conclusions as to the value of county programs and the viability of the present county structure.

In point of fact, it is perhaps somewhat academic to separate these discussions. Structure and function run hand in hand. It is not only desirable but essential that these two methods of analysis be related. An administrative structure which does not recognize and in fact respond to the service needs of the government is an unrealistic one and perhaps an unworkable one. At the same time a service network which does not have sound administration is equally unworkable. They are so inter-related that they must be considered together. The analysis of the county government then must seek to examine both the services the county provides and how well organized and efficiently administered the provision of those services is. This means that a given charter study commission may well find itself exploring some if not all of the independent agencies surrounding county government. But, however, it will do so not to study the independent operation of each one from an accounting point of view, but rather to see how these agencies relate to each other, how they relate to the policy-makers at the highest levels of county government, and how in terms of policy execution and internal administration they further the goals and objectives of the county as a whole.

### ***Basic Questions***

In approaching the county's form of government, one must start with a series of basic general questions:

1. What are the stated or presumed goals and objectives of the county?
2. What are the needs and problems the county faces?
3. Who sets the programs to meet the county's goals, objectives and needs?
4. How are these programs set?
5. Who runs these programs?
6. How well are they run?

If these questions are answered in such a way that it indicates that the present form of county government is meeting the county's needs adequately, then there is perhaps no need for change. On the other hand, if the study indicates that this is not the case, then alternatives must be explored.

### ***An Outline for County Research***

The following outline is meant to be a reasonably comprehensive view of what a county study might include. It reflects the questions, issues and problems mentioned earlier in this chapter. The first two sections of it are intended precisely to give the charter study commission a set of conclusions with some degree of particularity as to whether or not the present county structure is in fact doing the job it is supposed to be doing. The remainder of the outline goes into an area which will be discussed in the next chapter—Alternatives For Change. The last part of the outline, therefore, should be read in conjunction with the next chapter.

**SUGGESTED OUTLINE  
FOR  
STUDYING COUNTY GOVERNMENT**

**I. THE SOCIAL/PHYSICAL CONTEXT FOR RESHAPING COUNTY GOVERNMENT.**

***A. Demographic Projection and Human Resource Implications***

- (1) Analysis of present population
- (2) Projection and implications for county services, 1975-85

***B. Physical Service***

- (1) Air/water quality problems
- (2) Solid waste
- (3) Transportation
- (4) Housing
- (5) Other infrastructure needs

***C. Intergovernmental Operations***

- (1) Local service needs vis-a-vis municipal delivery capacity
- (2) State/municipal service levels

**II. THE COUNTY'S INTERNAL MANAGEMENT PROCESSES AND THEIR IMPLICATIONS FOR COUNTY PERFORMANCE**

***A. The Legislative Process***

- (1) The role of the Board of Chosen Freeholders
- (2) The Freeholder and administrative policy
- (3) The Freeholder and policy follow-through
- (4) The Freeholder and service adequacy
- (5) The Freeholder and citizen complaints
- (6) The Freeholder's administrative role vs. his investigative responsibility as an elected official
- (7) Analysis of decision-making processes in *all* major service areas

- (a) *Social services*
- (b) *Recreation*
- (c) *Environmental protection*
- (d) *Roads*
- (e) *Public works*
- (f) *Judicial administration*
- (g) *Law enforcement*
- (h) *Regulatory agencies*
- (i) *General administration*

#### ***B. The Budgetary Process***

- (1) *Compilation*
- (2) *Review and revision*
- (3) *Program review*
- (4) *Public reporting and accounting procedures*

#### ***C. Financial Administration***

- (1) *Purchasing*
- (2) *Electronic data processing*
- (3) *Investment policies*
- (4) *Insurance and bonding*
- (5) *Rentals*

#### ***D. Personnel Administration***

- (1) *Policy administration*
- (2) *Promotion and incentives*
- (3) *In-service training*
- (4) *Labor relations/negotiations*

#### ***E. Analysis of Need For Greater Administrative Consolidation, Leadership Structure and Coordination on Functional Basis***

### **III. EXAMINATION OF ALTERNATIVE EXECUTIVE/ADMINISTRATIVE STRUCTURES**

#### ***A. Field Visits to Similar Counties Elsewhere and Operating Under Strong Executive/Manager/Supervisor Plans***

*B. Detailed Analysis for Suitability of Optional Forms Presented in N.J. Optional County Charter Law*

*C. Selection of Basic Executive/Administrative Structure*

IV. DETERMINING A REPRESENTATIONAL STRUCTURE

*A. The Social/Human Implications*

- (1) Field work/hearings with leaders of racial/ethnic/regional groups
- (2) Examination of political implications
- (3) Field trips to similar counties with various systems of representation

*B. The Legal/Administrative Implications*

- (1) Review of the legal status of reapportionment in New Jersey
- (2) Preliminary analysis of municipal boundary usage in districting cost analysis

*C. Decision on Representational Structure*

V. COUNTY-MUNICIPAL RELATIONS/ACTIVITIES

*A. In-Depth Examination of All Major County Services*

*B. Examination of Problem Areas in Present Municipal Service Systems*

*C. Analysis of Service Needs and Potential for Joint Programs in Areas Where Municipalities Cannot or Do Not Provide Services at Present*

*D. Conclusions as to Administrative Improvements in County Services and Potential For Expanding Service Systems in Key Areas*

VI. DISSEMINATION OF INFORMATION: THE PRECONDITION TO IMPLEMENTATION

*A. Preparation of Introductory Newspaper Supplements*

*B. Preparation of the Commission Report*

*C. Preparation of Summary of Commission Report*

*D. Preparation of Graphics for Commission Report*

*E. Preparation of Final Newspaper Supplement*

## V. Alternative Forms of County Government

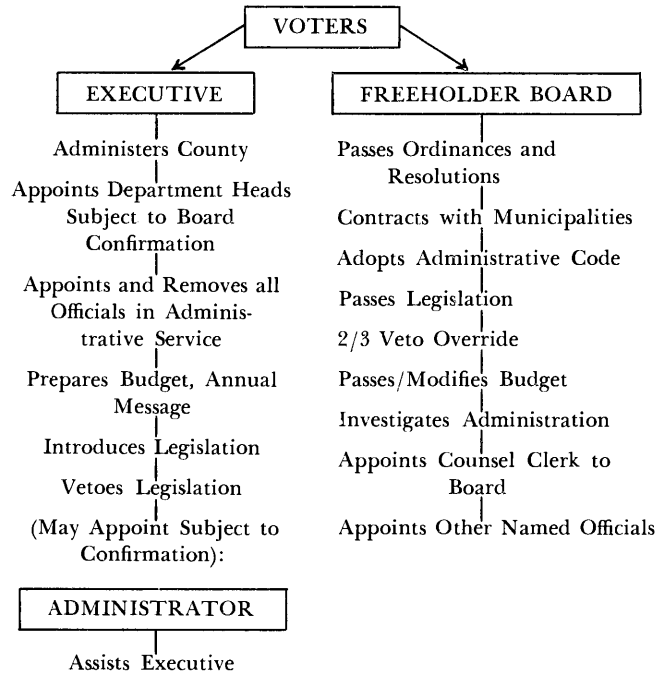
If the charter study commission's examination of present county activity produces a feeling of satisfaction among the membership, it need go no further. It can simply report that no change is needed in its opinion. Inquiry ends there. On the other hand, if it is convinced that a change could be useful, the commission must then begin the task of examining possible options. Its options are six. The first option is to state that no major change is needed but to recommend to the board of chosen freeholders the adoption of administrative changes and perhaps whatever type of administrative code can be adopted under present statutes. A second option is to recommend to the board of chosen freeholders that they petition the Legislature for passage of a special charter. Obviously a special charter can be anything within the scope of the Constitution of New Jersey. The charter study commission tells the freeholder board what form it should take; the freeholder board then petitions the Legislature for its passage. If it is passed by two-thirds majority of each house and signed by the governor, it then comes home for a binding referendum vote.

The remaining four options are those offered as the four alternative plans for county government under the Optional County Charter Law. For purposes of this discussion we divide the plan into two aspects. First, the executive/administrative aspect—who runs the government? Who is responsible for the administration of public affairs? The second aspect is that of legislative representation—what kind of a legislative body will there be and how will its representational features be drawn?

### A. *Varying Forms Of Chief Executive*

Perhaps the best way to begin this section is to envision all the powers and duties and rights of government as being sticks in a bundle. The total bundle is government. The sticks, however, can be subdivided into smaller piles of unequal size. Each of these subdivisions represents a different plan. Under one plan the largest bundle of sticks may be in the hands of an independent executive elected at large, in another under a strong appointed professional manager; in another it may be evenly divided among a county supervisor, a chief administrator and the board of freeholders; and in another the largest bundle may be in the hands of the board of freeholders collectively. The four plans presented in the Optional County Charter Law are diagrammed and outlined below. It is easy to see by comparing the diagrams how the "bundles of sticks" of differing sizes may lie in the hands of different types of officials in each plan.

## COUNTY EXECUTIVE PLAN



As the name implies, the county executive plan places the entire administration of the county in the hands of a strong elected executive. His powers and duties within the county are like those of the governor at the state level. He runs the administration (with the help of a professional administrator) and he is responsible to the people for his stewardship.

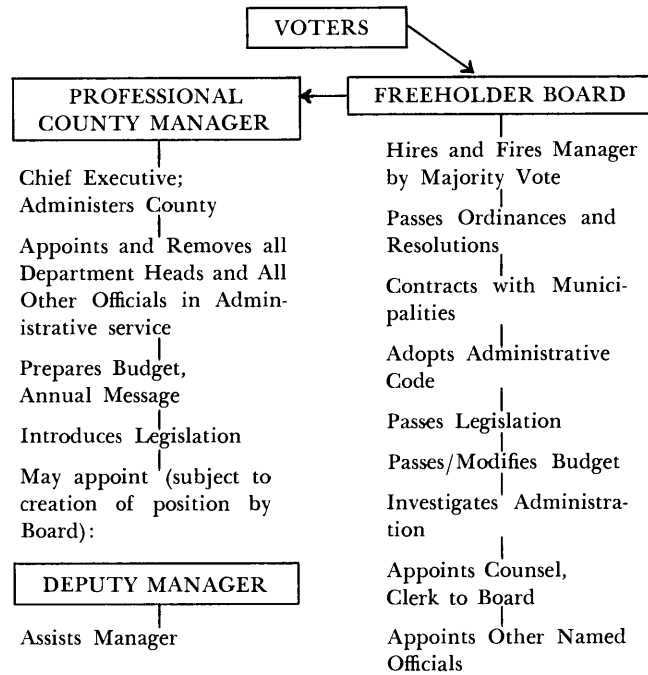
He may veto legislation passed by the freeholder boards. He submits the budget reports annually to the people and the freeholders and proposes a legislative program.

Politically, he is a strong and visible leader elected at large by the people of the county.

This plan has proven particularly successful in urban areas where there are major issues which must be resolved through clear policies and a well-directed administration which is politically responsive. This plan has been used in neighboring states such as New York (Nassau County) and Delaware (New Castle County/Wilmington).



## COUNTY MANAGER PLAN



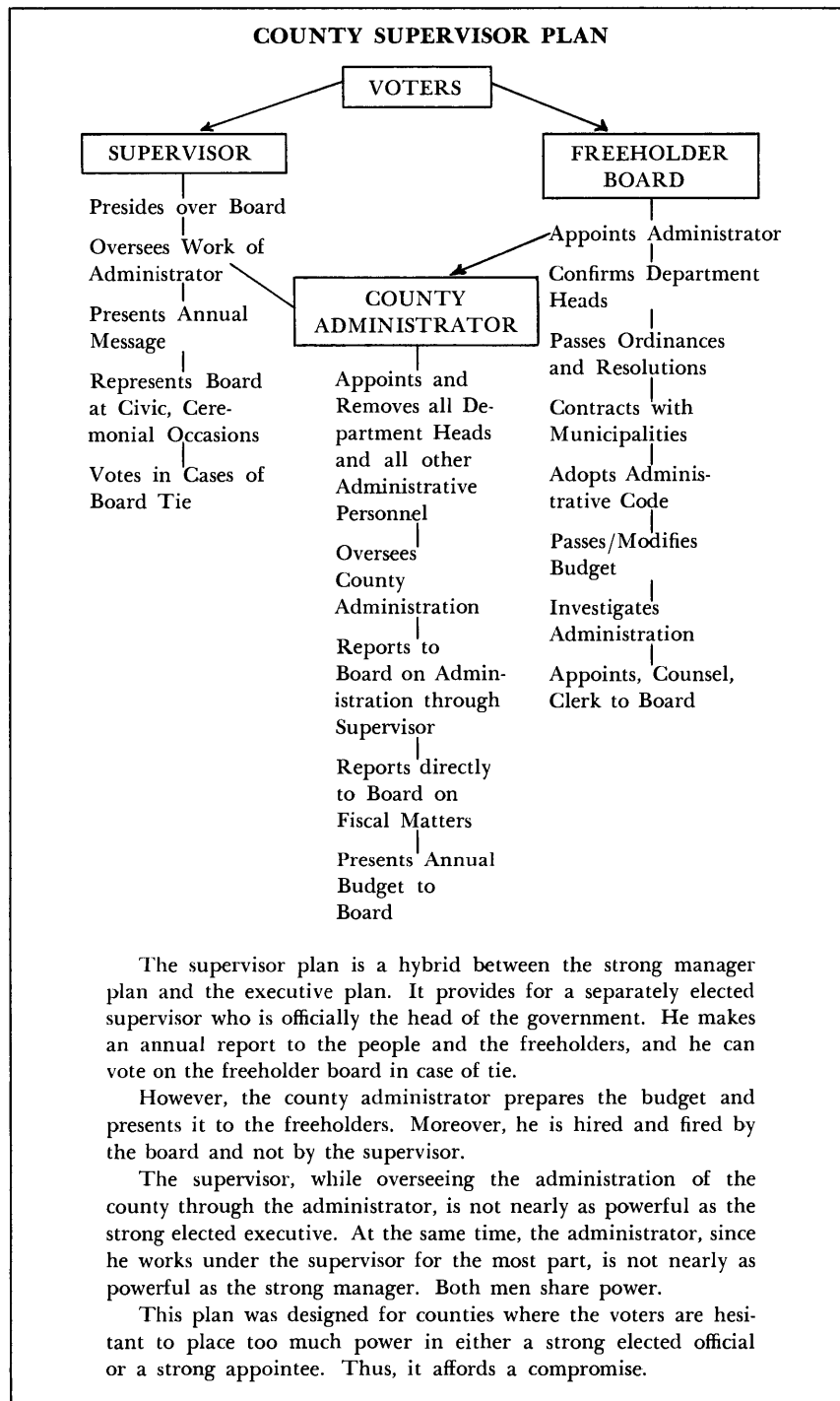
The county manager plan rests on the assumption that a fully qualified professional manager is the best person to run a county government.

The freeholder board hires the manager and it may fire him; but while he is manager he is the chief executive, responsible for the entire administration of the county. He hires and fires, runs the administration without political interference, and insures the efficient and effective administration of the government.

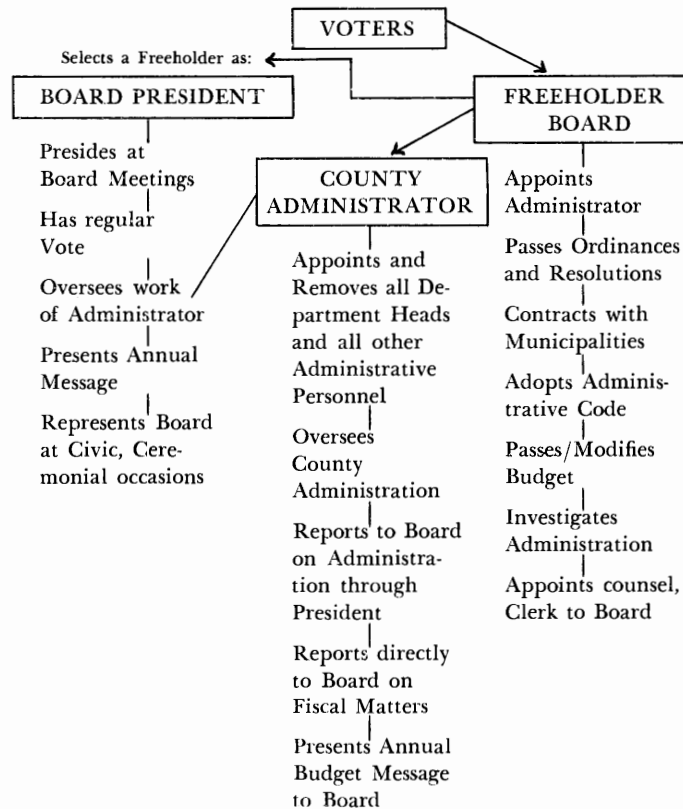
The manager prepares the budget, reports annually to the people and the freeholders, and may recommend legislation.

The manager, as an appointed official, follows policies adopted by the freeholders. They set the general course the county will follow; the manager is responsible for following that course.

While county manager plans have worked well in some places, like Arlington, Va., some students of government feel the manager plan may not be realistic in counties where the political climate is highly charged.



### BOARD PRESIDENT PLAN



This plan is much closer to the manager plan than to either of the other two. It provides for a president elected by the board—not by the voters at large. Thus, he has far less authority than a strong executive. He has a regular vote on the board, but no veto or tie-breaking power.

The administrator is appointed by the board and reports directly to it on financial matters. While the president oversees his work, the administrator has appointment and removal powers over other county officials.

In many respects, this plan is the closest of the four options to the present form of county government, except for giving the freeholder board and the professional administrator more powers than they have under present law to improve county government and make it efficient (for example the powers granted under all charter forms in regards to autonomous agencies).

This plan is also very similar to the 1968 Bergen charter proposal. But it eliminates many of the features which opponents of the Bergen charter felt were controversial.

## ***Counties Across the Nation***

After the commission has studied the options available under New Jersey law, it may well wish to see how well these forms work in other places. The appendix in this handbook indicates counties across the nation which have these plans in operation. It may well be that some members of a given commission will want to travel to other states to see these plans in operation. It is also possible to invite experts or office-holders from these states to come to New Jersey. Since several charter study commissions may be meeting at the same time, it might even be possible to arrange for joint meetings, or for one office-holder, say from California, to come and address four or five different charter study commissions within a brief visit. In any event, practical working examples of charter counties should be examined before any final decisions are made.

### ***B. Legislative Representation***

In addition to choosing one of the four basic forms, the statute states that the commission

“shall designate, as an integral part of its recommended plan, its choice of alternatives as follows:

a. Board size and term. The commission shall recommend that a board be composed of five, seven or nine members, each of whom shall hold office for a term of 3 years.

b. Concurrency of terms. The commission shall recommend either a continuation of the present system of non-concurrent terms or the adoption of a new system of concurrent terms.

c. Constituencies. The commission shall recommend that all board members be elected at large, or that they be elected by districts, or that they be elected both at large and by districts. If the last recommendation is made, the number of freeholders elected by districts shall be as follows: in a county selecting a five-member board three shall be by district; in a county selecting a seven-member board four shall be by districts; and in a county selecting a nine-member board five shall be by districts.”

The issue of representation may be one of the most critical and controversial any charter commission will face. Every group and segment and party in the county will have its own ideas as to what ideal representation should be. With this in mind it is vitally important that the commission talk to all major political, racial, civic and social groups to

see how opinion runs. Similarly, working models elsewhere should be examined. Finally, every commission must consider in the context of its own county the feasibility of a given type of electoral district or at large representation in terms of the one man, one vote decision and the implications of reapportionment within the county. These problems will vary in importance according to county size, the number and population size of municipalities, and many other factors.

Special charters have often been drawn precisely because no adequate representational system could be found within existing statutes. It is an extremely difficult problem and one which only minute attention to local conditions and desires can solve.

## VI. The Administrative Code

Although the charter law gives the first board of freeholders elected under any plan the power to adopt the administrative code, the law also permits the charter commission to submit

“to the freeholders whatever recommendations it deems appropriate for the efficient administration of the county; such recommendations may include a model administrative code.”

In other words, having found the shortcomings of the county government, the charter study commission has the statutory right to suggest not only the broad framework for changing the county's government, but also specific changes which may be made in the internal structure.

The administrative code is a basic document in modern government. It sets forth almost all of the important aspects of government:

- The powers of all major governmental officials.
- The relationship between and among and within departments, commissions, boards and other agencies.
- The new configuration of the government including which agencies from the former county government should be abolished or consolidated or otherwise altered.
- The basic procedures of the county in terms of administration, personnel, fiscal, and other matters.
- Most of the important procedures for taking action at the county level including legislative and budgetary transactions.

In other words, one may envision the structure of government as being a skeleton and the administrative code as being the sinews and the flesh—the real body of the organism.

Under the statute the charter study commission has the option of doing whatever it wishes in this regard:

- It can make no suggestions whatever.
- It can suggest general guidelines.
- It can make some specific recommendations regarding certain agencies and policies.
- It can draft a complete administrative code and submit it to the board.

These decisions are up to the charter study commission. In making them, however, the commission should remember one thing: if it finds significant defects in county government—defects going beyond the selection of a basic structure—it is incumbent on the commission to suggest to the new freeholder board that these conditions be remedied, specifically by those things which the charter study commission feels would be acceptable alternatives. Thus, the commission should have at least some input into the new administrative code. It is up to them to determine how much and what form it should take.

Moreover, in the public discussions on the commission's recommendations many questions will be forthcoming on exactly what types of structural changes would accompany the new form. A draft administrative code would answer many of these questions.

## **VII. The Charter Study Commission and the Public**

The public elects the commission and will vote on the recommendations the commission submits. Therefore it behooves the commission to maintain close relations with the public throughout its deliberations. There are several important ways through which this may be done:

- The dissemination through the county's newspapers of an initial document outlining county government today and possible options the commission might consider. This would be in the nature of an objective and balanced treatment for the purpose of public education.
- The holding of initial hearings to get citizen reaction and municipal reaction on the present state of county government.
- Regular interviews or press conferences or releases on the progress of the commission.
- Regular public hearings on important topics throughout the deliberations.
- Inviting key civic and other groups to sit in on some commission's deliberations.
- Inviting the press to do so as well, perhaps with the understanding that certain things were not for publication.
- Providing speakers for civic groups to talk about charter reform and the task of studying the county.

The commission may wish to make its own relationships with the press since, if it relies on the county's press contact or public information office, it may well find itself losing some of its desirable independent image.

### ***Reporting to the Public***

The Optional County Charter Law states:

"Report and publication of findings. The charter study commission shall report its findings and recommendations to the citizens of the county on or before the end of the ninth calendar month next following the date of its election in the form of a final report which it shall file with the county clerk. It shall cause a sufficient number of copies of its



final report to be published and delivered to the county clerk, who shall distribute it to all elected county and municipal officials. In addition, there shall be printed and made available at cost to the public at large a number of copies equal to at least 1 percent of the county's registered voters as of forty days before the most recent previous primary or general election.

The commission shall publish on two successive weeks in the manner provided by section 142 of this act the full text of the proposed charter, together with a summary of its findings and recommendations, a summary of the provisions of the plan, if any, which it recommends for approval, and an analysis of and commentary upon such plan."

The commission should see that the report is printed and ready on the filing date. The report should not only include findings and recommendations, it should also include at least a summary of the commission's investigation of county government and study of optional forms. In other words, the document should be able to convince the citizenry at large that the commission's investigations were sufficiently thorough so as to insure the correctness of their recommendations and at the same time to put the "burden of proof" on potential critics of the commission's work.

Once the commission has spent nine months on this undertaking and come to agreement as to the need for change, if any, it should be prepared to stand by those recommendations and to insure their adoption by the voters. This means not only writing a good report and coming up with solid and informative presentations, but also engaging in a lot of hearings, public speeches, dissemination of documents and work with citizens committees in favor of the recommendations to insure their success at the polls. To do less is to do a disservice to the amount of work that has gone into the charter study activity. No matter what the recommendations of the charter study commission, it has a responsibility to the county and to itself to see that its work is fully disseminated and that the public is persuaded to concur with its recommendations.

## **APPENDIX A**

The following agencies may be of great help to your charter study commission. Do not hesitate to call them for information, advice or any kind of assistance.

### ***1. State of New Jersey***

County and Municipal Government Study Commission  
115 West State Street  
Trenton, New Jersey 08625  
Phone: (609) 292-6299

Department of Community Affairs  
Division of Local Government Services  
363 West State Street  
Trenton, New Jersey 08625  
Phone: (609) 292-4806

Public Service Institute  
Route 1 at Emmons Drive  
Princeton, New Jersey 08540  
Phone: (609) 452-1686

Rutgers, The State University  
Bureau of Government Research  
Building 4053, Kilmer Campus  
New Brunswick, New Jersey  
Phone: (201) 936-3640

## **2. Public Organizations**

New Jersey Association of Chosen Freeholders  
Room 209, Mercer County Administration Bldg.,  
640 South Broad Street  
Trenton, New Jersey 08607  
Phone: (609) 394-3467

New Jersey State League of Municipalities  
433 Bellevue Avenue  
Trenton, New Jersey 08618  
Phone: (609) 695-3481

New Jersey Taxpayers Association  
104 N. Broad Street  
Trenton, New Jersey  
Phone: (609) 394-3116

National Association of Counties  
1735 New York Avenue, N.W.  
Washington, D. C. 20006  
Phone: (202) 785-9577

**APPENDIX B**  
**Table 9**  
**CHARTER COUNTIES**

STATE County	Population 1970 Census	Form of Charter	Size of Legislative Body	Year of Charter Adoption
<b>ALASKA</b>				
Greater City of Sitka	6,109	Council - Elected Executive	7	1971
Juneau/Greater Juneau Borough	13,556	Council - Elected Executive	9	1970
<b>CALIFORNIA</b>				
Alameda	1,073,184	Commission (Council)-Administrator	5	1926
Butte	101,969	Commission (Council)-Administrator	5	1917
Fresno	413,053	Commission (Council)-Administrator	5	1933
Los Angeles	7,032,075	Commission (Council)-Administrator	5	1912
Sacramento	631,498	Commission (Council)-Administrator	5	1933
San Bernardino	684,072	Commission (Council)-Administrator	5	1912
San Diego	1,357,854	Commission (Council)-Administrator	5	1933
San Francisco	715,674	Council - Elected Executive	11	1931
San Mateo	556,234	Commission (Council)-Administrator	5	1932
Santa Clara	1,064,714	Commission (Council)-Administrator	5	1950
Tehama	29,517	Commission (Council)-Administrator	5	1916
<b>COLORADO</b>				
Denver	514,678	Council - Elected Executive	9	1904
<b>FLORIDA</b>				
Dade	1,267,792	Commission (Council)-Administrator	9	1957
Jacksonville-Duval	528,865	Council - Elected Executive	19	1967
Volusia	169,487	Commission (Council)-Administrator	7	1970
<b>GEORGIA</b>				
Columbus-Muscogee	167,377	Council - Elected Executive	10	1970
<b>HAWAII</b>				
City and County of Honolulu	629,176	Council - Elected Executive	9	1959
Hawaii	63,468	Council - Elected Executive	9	1968
Kauai	29,761	Council - Elected Executive	7	1968
Maui	46,156	Council - Elected Executive	9	1968
<b>KENTUCKY</b>				
Lexington-Fayette	174,323	Council - Elected Executive	15	1972
<b>LOUISIANA</b>				
Baton Rouge-East Baton Rouge	285,167	Council - Elected Executive	11	1947
Jefferson	337,568	Council - Elected Executive	7	1956

*The New County*

STATE County	Population 1970 Census	Form of Charter	Size of Legislative Body	Year of Charter Adoption
<b>MARYLAND</b>				
Anne Arundel	297,539	Council - Elected Executive	7	1964
Baltimore	621,077	Council - Elected Executive	7	1956
Harford	115,378	Council - Elected Executive	7	1972
Howard	61,911	Council - Elected Executive	5	1968
Montgomery	522,809	Council - Elected Executive	7	1968
Prince George's	660,567	Council - Elected Executive	11	1970
Wicomico	54,236	Commission (Council)-Administrator	5	1964
<b>MISSOURI</b>				
Jackson	654,558	Council - Elected Executive	15	1970
St. Louis	951,353	Council - Elected Executive	7	1968
<b>NEW MEXICO</b>				
Los Alamos	15,198	Commission (Council)-Administrator	7	1968
<b>NEW YORK</b>				
Broome	221,815	Council - Elected Executive	19	1968
Dutchess	222,295	Council - Elected Executive	37	1967
Erie	1,113,491	Council - Elected Executive	20	1959
Herkimer	67,440	Commission	17	1966
Monroe	711,917	Commission (Council)-Administrator	29	1965
Nassau	1,422,905	Council - Elected Executive	6	1938
Niagara	235,720	Council - Elected Executive	31	1972
Oneida	273,037	Council - Elected Executive	37	1961
Onondaga	472,185	Council - Elected Executive	24	1961
Orange	220,558	Council - Elected Executive	21	1968
Rensselaer	152,510	Council - Elected Executive	21	1972
Schenectady	100,979	Commission (Council)-Administrator	15	1965
Suffolk	1,116,672	Council - Elected Executive	18	1958
Tompkins	76,879	Commission (Council)-Administrator	16	1969
Westchester	891,409	Council - Elected Executive	17	1937
<b>OREGON</b>				
Benton	53,776	Commission	3	1972
Hood River	13,187	Commission (Council)-Administrator	5	1964
Lane	213,358	Commission	3	1962
Multnomah	556,667	Council - Elected Executive	5	1966
Washington	157,920	Commission (Council)-Administrator	5	1962
<b>TENNESSEE</b>				
Nashville-Davidson	448,003	Council - Elected Executive	40	1962
<b>WASHINGTON</b>				
King	1,156,633	Council - Elected Executive	9	1968

## APPENDIX C

**The Summary pages of the Commission's Report "County Government—Challenge and Change."**

Page references within this Summary refer to citations within the full report.



## INTRODUCTION: THE CHALLENGE TO LOCAL GOVERNMENT

During the past few decades there has been a clear trend toward increasing federal and state involvement in many areas of government service which were by tradition within the province of county and municipal government. While this trend has produced necessary solutions to problems which local government could not solve, the fact remains that in recent years the role of local government has diminished significantly in importance, and, if anything, the process of federal and state involvement is likely to accelerate in the foreseeable future. The reasons are clear enough: local government simply cannot meet many area-wide problems because of inadequate governmental and administrative machinery, and because of fiscal inability it cannot develop programs to meet needs even where it has the governmental and administrative resources to do so.

*As our society and economy grow ever bigger and more complex, it becomes imperative that we have good small government as well as good big government. If power and responsibility are concentrated in Washington and in state capitals, it becomes increasingly difficult for the citizen and taxpayer to feel that government is responsive to him and his needs. Local government's greatest virtue is precisely its ability to respond to the individual's needs in a personalized way. When a man has a problem, he has relatively easy access to the official who can help him, and because the official depends on a relatively small constituency in the average municipality, he will probably be more responsive than will an elected official at a higher level. If we lose this close link to the individual, democracy becomes less workable, if not impossible. In response to this need to strengthen and improve local government, the County and Municipal Government Study Commission was established. The Commission believes that local government must be given every opportunity and resource to meet the pressing problems it faces.*

This means relieving local government of many fiscal responsibilities which it cannot adequately or equitably meet. It means encouraging an active and creative partnership between a strong local government and state government. It means examining the structural and service problems facing local government and strengthening its ability to handle its problems. It means encouraging cooperation and coordination at the local level so that municipalities and even counties can work together to meet problems which transcend their boundaries. In short, it means giving local government the power, the resources and the machinery to meet the tremendous problems it faces today, and to meet the even greater problems it will face in the future.



After extensive research, the Commission has concluded that the greatest single shortcoming in our present system is the absence of a unit of government which could meet those problems which one municipality or group of municipalities cannot meet alone, and yet which should not be taken over by state and federal intervention. Life today is uncompromisingly complex and it is scattered over wide areas. Neither air pollution, nor criminals, nor sewage, nor floods respect political boundaries. And neither do shoppers, nor commuters, who may cross the boundaries of from five to a hundred governmental units before they complete their business and go home. Yet, we lack a flexible, efficient and effective middle unit of local government, one between the state and the municipality.

The consequences of this lack are that in urban areas many of the problems of drainage, air and water pollution, traffic control and mass transit, law enforcement and health are being inadequately met, if at all; and that literally dozens of agencies may duplicate one another's efforts and still not get the job done. In rural areas it frequently means that vital services are not performed because sparsely populated, sprawling townships do not have the money or the manpower to provide them, and even if they did, they could do so only at an unjustifiably high cost.

We do not suggest that any unit of government can solve these problems alone. But we do suggest that municipalities cannot long continue to bear the burdens which have brought home rule and our cherished local government system to their present state of crisis. A governmental partnership—a new creative local system—is necessary if we are to succeed in meeting today's problems.

We need a unit of local government at the middle level—one between the state and federal governments on one hand and the municipality on the other. This unit could be the bulwark of a revitalized local government system in New Jersey, in that it could:

1. *eliminate waste and duplication* and insure that local needs are adequately met through coordination of state and federal programs;
2. *undertake area-wide services or cooperate in providing services* or solving problems which municipalities feel they themselves cannot solve alone, but which are best handled locally rather than at a state level;
3. *arrange for other services on a voluntary contractual basis*, particularly in rural and newly developing areas, where municipalities might not be able to provide needed services by themselves.
4. *act as a rallying point for municipal and other local interests*, giving local leaders a forum and a firm base not only for discussion and action on problems of common interest, but for strong representation of their area's interests in dealing with state and federal governments.

Obviously, this proposed unit of local government stands or falls on one essential element: the confidence and activity of its participants. If the structure alone is created, local government is still in jeopardy. But if local leaders, through their actions and their drive, breathe life into the structure, local government can live up to the fine traditions it set in the earliest days of colonial America. The challenge is there; success or failure in large measure depend on the willingness and the vitality of local government's leadership.

After considering numerous alternatives for the development of this new level of government, the Commission has come to the conclusion that present county government is the best starting place. There are obvious problems. They include the present state of county-municipal relations in many areas, the county's present capacity to deliver services, and county legal, fiscal, structural, administrative and political problems. All of these problems are analyzed in detail in this report, and suggestions are made for dealing with them.

With two major qualifications, the Commission recommends use of present county government as the best alternative for building an effective unit of local government at the middle tier:

1. the Commission views present county government as starting point or base—not as a desired end;
2. only with substantial changes in every area can county government become an efficient, effective government which accurately represents its constituents and can act to meet their needs.

Other governmental alternatives would bring too much state involvement, or would mean that most area-wide services would be performed by huge authorities which are usually unresponsive to public need and almost invariably are far too insulated from change and from scrutiny by the elected representatives of the people. In numerous other states, for precisely the same reasons, county government has been the key to preserving local government. It has been favored over state intervention, and over super-authorities and districts as well. With the proper structuring, with the confidence and effort and leadership of municipal and county officials, it can become an effective and integral part of local government.

In conclusion, let us make this point clear: *an improved and re-structured county government is not a threat to home rule—it is its best defense.* It would not do what municipalities now do, but what they and the state cannot do. The Commission is convinced that we face so many problems in New Jersey—and so many of them are in the "grey" area that lies between state and municipal government—that if we do not develop and improve county government along the lines suggested in this report, we shall fail to meet crucial area-wide and interlocal problems; and local government and home rule will, as a result, wither and be relegated to the back pages of history.

## SUMMARY OF FINDINGS AND CONCLUSIONS AND RECOMMENDATIONS

### **I. Findings and Conclusions**

After a year-long study of county government in New Jersey, the Commission has concluded that:

*County government can play an increasingly important role in a revitalized and strengthened local government system.*

In the Commission's view the greatest single problem of local government as a system today, is that:

*We lack a middle level of government which can:*

1. move to meet problems which individual municipalities or groups of municipalities *cannot* meet unaided, and yet which *should not* be met by the state and federal governments;
2. perform area-wide and interlocal functions which municipal and other local leaders believe must be met by such a middle level or middle tier government;
3. coordinate state and federal programs effecting local government to make sure that local needs are met with a minimum of confusion, delay, waste and overlapping;
4. serve as a rallying point for local leadership so that the leaders can unite to provide needed services and solve pressing problems, decide on the area's goals and policies and, through this middle level government, make their desires known both to their citizens and to state and federal officials.

*While a decade ago many felt that any area-wide government was a threat to home rule, the Commission feels that such a middle-level government is an absolute necessity if we are to preserve local government in the face of an ever-growing maze of complex and desperate problems such as air and water pollution, traffic and transit, law enforcement, drainage and solid waste disposal. If local government does not and cannot meet this, the greatest challenge of its history, the Commission believes that in the foreseeable future the state and federal governments will of necessity preempt all these areas and local government, as we know it, will wither and atrophy.*

After considering the alternatives for government at the middle tier, the Commission concluded that the county was the best alternative as a basic unit because:

*Counties have strong political, administrative and functional roots in New Jersey, and they have sufficient territorial and population size*

*to undertake area-wide services. Moreover, their boundaries, while man-made, do not prevent the solution of ultra-county problems in cooperation with other counties and state government.*

Another significant factor in the Commission's consideration was that of political accountability. Local government's greatest virtue is that it is close to the voter and taxpayer. Therefore, the middle-tier government, if it is to be local in its character, must be a general government headed by responsive elected officials.

Moreover, because of the county's traditions and established lines of communication, the Commission feels that the county unit, with significant changes and improvements, would be a good base for local government at the middle tier.

The Commission does not mean to suggest that county government is a panacea for all problems facing local government. State, county and municipal governments all have a great deal to do if we are to retain and strengthen our local government system. *The Commission believes that a combination of strategies, a creative partnership of local governments, is necessary to meet today's problems.*

*However, the Commission believes that county government must undergo substantial legal, fiscal, structural and administrative changes if it is to become capable of being an adequate and effective and efficient area-wide unit of local government.* The Commission's research outlined four main areas of inadequacy which must be given serious attention and effort immediately.

1. *Legal Inadequacy* (See Chapter II.) By origin and evolution, the county is largely a state agency; it is at present not a general government. It has no powers of self-determination, no significant area-wide powers, no effective power to legislate and it even lacks the power to reorganize itself and in many important cases to oversee the tasks for which it pays.
2. *Fiscal Inadequacy* (See Chapter III.) As a state agency, the county performs a host of essentially state duties—duties which are mandated by state law and are really state responsibilities (such as judicial functions) and which create a severe burden on county government. These mandated duties consume 56% of the county's budget and are growing at such a rapid rate that they inhibit the county's ability to expand locally-oriented and area-wide service areas, such as parks and recreation, planning, drainage, community colleges and vocational education, and health programs.
3. *Structural and Administrative Inadequacy* (See Chapter IV.) The present structure of county government almost prohibits effective and efficient administration. Almost 60% of the counties' budgets, services and employees are under the con-

trol of 265 powerful independent boards, agencies and commissions which are in great measure accountable to no one but themselves. The Freeholders have control over only 20% of the money they raise in taxation; and over the portion of county government they do control, they exercise administrative control rather than strong legislative control (the average Freeholder spends almost as much time signing vouchers as attending Board Meetings to set county policy). Because the Freeholder is tied to departmental administrative duties, no one really sets goals and policies for county government as a whole; no one can. Moreover, even if the Freeholders had the power and the time to devote to setting policies, they do not have an adequate professional central administrative staff to assist them.

4. *Political Adequacy* (See Chapter V.) The county is the basic unit of state and national politics in New Jersey, and political organizations at the county level are well-developed and effective. The county political organization has also been an important factor in holding the fragmented county government together.

Viewing the political adequacy of county government in a broader sense, one can say that on the whole, the Freeholders are fully aware of their constituents' needs and problems, and feel that, with significant changes in the system, great improvements can be made. Similarly, municipal leaders are aware of the reasons for county inadequacy and have expressed an obvious willingness to improve county government and to give it real responsibility if the necessary changes are made.

The greatest single political inadequacy of county government is its *invisibility*, due largely to a lack of contact with its citizens. If county government is to become a viable unit of local government, it must gain the confidence of municipal and other local leaders, and develop a broader base of citizen support.

*In summary, county government must be centralized under the control of elected officials who have the legal power, the fiscal resources, the structural flexibility and the administrative staff to meet the challenges facing local government today; and it can be an effective general government at the middle tier only if it works in partnership with municipal and state government and only if it gains the confidence and support of its citizens.*

## **II. Recommendations**

Given the legal, structural and administrative inadequacy of county government today, the Commission recommends that:

*Counties should be given a substantial measure of self-determination so that county and municipal officials can shape government to meet their local needs and conditions.*

To the extent that all counties suffer from these legal, structural and administrative weaknesses, the Commission recommends that they be offered the *general* powers to undertake the following:

1. *Reorganize themselves as they see fit*, under general law, including the right to consolidate agencies, boards and commissions;
2. *Initiate area-wide and interlocal services*, including the power to enter into voluntary contracts to perform services for municipalities desiring such services, and the power to provide other services as need arises and local leaders desire them;
3. *Provide for a legislative and policy-making role for the Board of Freeholders*, giving the Board the legal authority to act as do elected officials at the federal, state and municipal levels, and to enact legislation setting policies and programs for county government, and freeing them from the host of minor administrative duties which consume so much of their time at present;
4. *Provide for professional central administration* to act under the direction of the elected officials in setting administrative and personnel policies (subject to the protections of Civil Service) and in such fields as budget preparation, program evaluation and research.

The Commission believes that a county government restructured along these general lines can be of great service to municipalities, to the state and to the people it serves.

Recognizing that within these general problem areas, there are different types of counties at different stages of development and urbanization, each with varying needs and desires, the Commission proposes that, within the guidelines described above, there be four basic alternative structures (plus the present procedure of petitioning for special legislation) among which counties may choose, each form being designed for a different type of situation or county.

*First, a Board-Manager Form* which would provide for a strong manager serving at the pleasure of the Freeholder Board. All elected officials would be equal in stature, but one would serve as ceremonial head of the Board, similar in powers to the Freeholder Director. Such a form would be best suited to a county where there were not sharp distinctions between city and suburb or sharp party competition, but rather a county which was still predominantly rural or which was predominantly of one political party.

*Second, a Strong Elected Executive Form* under which a county executive would be elected as chief executive of the county, like the President of the United States, or the Governor. He would head the county's administration, present a budget message, propose legislative programs and have veto powers over Freeholder Board decisions; the executive

would appoint an administrator to assist him. This form would be most appropriate to an urban county with sharp political, social and regional competition.

*Third, a Strong Board-Administrator Form* under which the Freeholder Board would have more power than under the Board-manager form, and the administrator would work under a relatively strong Board president selected by the Freeholders. This form would be most applicable to rural or one-party counties which did not want to place very much authority in the hands of a professional administrative officer or give too much power to an independently elected executive.

*Fourth, an Elected Supervisor Form* in which the executive would be elected by the voters to head the Board, but he would not be as powerful as a county executive. He would not have the power to present a budget, and he would not be the chief executive of the county administration. Under this plan, both the council and the administrator would be in closer contact and share more power than either or both under the county executive plan. This form would be most useful in developing or suburban areas where social and political differences may exist but are not in sharp or violent focus, as in urban counties. This plan provides for leadership but also provides checks and balances.

*The Commission believes that urban and developing counties could benefit from adopting one of these plans as soon as possible, that rural counties could benefit as well, and that it would be desirable for all counties to adopt one of these forms within the next few years.*

*The Commission is convinced that if county government is not completely reshaped, improved and strengthened along the lines suggested above, counties will never be able to meet area-wide and interlocal needs adequately.*

In terms of fiscal adequacy, the Commission believes that as a matter of policy:

*The state should assume or begin to assume from county and municipal government all fiscal responsibility for functions and services such as public education, the administration of justice and welfare, which are of state-wide scope, impact and implications.*

More specifically, in terms of county government the Commission finds that:

1. *State-mandated expenditures which the county performs as an agent of the state account for 56% of the county budget, and county government cannot meet local needs adequately unless and until the state assumes at least some of these costs.*
2. *The traditional practice of using the county as a taxing unit for financing such mandated state functions as welfare and judicial administration actually accelerates urban blight by placing the*

*heaviest burden of cost on older residential suburbs in urban counties at the time when costs of renewal, capital replacement and education are the highest; this questionable practice debilitates older municipalities and hastens their decline.*

3. *Placing the burden on county government has caused considerable bitterness and county-municipal friction in urban areas, thereby jeopardizing the county's ability to gain municipal confidence.*

*Therefore, the Commission believes that the state must in time assume virtually all of these mandated costs. Realizing that this cannot be done immediately (The sum involved would be in excess of \$225 million), the Commission recommends that as an irreducible minimum the state assume the remainder of categorical welfare program and administrative costs (approximately \$55 million in fiscal 1969-70) and the entire costs involved in the administration of justice at the county level (just under \$63 million).*

These are the burdens which fall most heavily on urban counties and older municipalities and therefore they should be assumed at once to alleviate the fiscal crisis of urban New Jersey. The Commission recognizes the need for efficient administration of the welfare system to minimize abuse, and it further recognizes that having to shoulder part of the welfare cost burden has given counties an incentive to maximize efficiency in administration and to minimize abuse in payments. Therefore, the Commission feels that when the state assumes complete financial responsibility for this function it must also develop methods and procedures for maintaining and hopefully improving present controls over inefficiency and abuse in the system.

The Commission, having studied the financial crisis in local government at length, believes that the state must assume these costs, subject to the safeguards mentioned above, as soon as possible, and it must do so on a full-cost basis, for experience has shown that partial fiscal assumptions are only of temporary benefit to local government. Last year, for instance, the legislature voted to cut the county's share of welfare costs in half. Yet in fiscal 1969-70 the counties will actually be paying *more* than they did in fiscal 1966-67—in spite of the state's cutting the county cost share in half. Clearly, the need is urgent and local government must have real fiscal relief if it is to continue. These problems and others will continue to be the subject of extensive Commission research in the coming year.

### **III. The Commission's Program**

During 1966-67, the Commission held special sessions aimed at identifying the general attitudes on the performance of local government in the state. The Commission also entertained suggestions for a study program to remedy the present structure and functioning of local government. In March 1968, the Commission issued its summary of findings in a report entitled, *Creative Localism: A Prospectus*. The report identified the



pattern of urbanization in the state and defined the problems resulting from rapid growth. The report concluded that local government in the state is faced with the most serious set of problems it has ever had to face and that so far the present structures are failing to meet them. The major weaknesses of the present governmental system were cited as fragmentation, overlapping and confusion of jurisdictional lines; the localization of fiscal responsibility; and the lack of adequate machinery for creative local response to area-wide and regional needs.

A major policy recommendation emanating from this report, and since implemented in part by the legislature, was the assumption by the state of the cost of public assistance (both the general and categorical programs and administrative costs). In general, the Commission urged that the responsibility for financing functions which have state-wide impact should be borne by the state.

The report further proposed a program aimed at recommendations for rational allocation of governmental functions in New Jersey, based on:

1. the development of criteria for the evaluation of governmental functions and structures;
2. a study of the existing structures and their capabilities of providing services and performing functions;
3. studies of individual functions.

In charting its future program the Commission urged the state to move in 3 specific directions:

1. to strengthen county government's ability to meet area-wide needs;
2. to enlarge the scope of legislation and develop financial and administrative techniques for interlocal cooperation;
3. to expand or encourage programs of an area-wide or multi-functional nature.

During 1968-69 the Commission proceeded to evaluate the first of these three areas—the role of county government.

### ***Future Programs***

Next, the Commission will begin two parallel studies of intergovernmental relationships: (a) interlocal cooperative activities, including every type of contact of a horizontal relationship among units of local government; (b) the vertical interaction among various levels of government.

The principal thrusts of the interlocal study will be:

1. to survey existing types of cooperative arrangements among local governments as to their areal and functional scope, financial implication and effectiveness;

2. to analyze the legal and statutory base for cooperation and state and federal guidelines and administrative practices affecting interlocal activities;
3. to assess the obstacles to entering into voluntary arrangements and suggest means of overcoming such obstacles;
4. to suggest a range of alternatives based on experiences in New Jersey and effective models elsewhere and develop legislation for proposals to stimulate interlocal cooperation and voluntary consolidation of functions or service areas;
5. to develop model contracts, handbooks, and other materials to stimulate interlocal cooperation.

The Commission's second major study will deal with the 1,200 state, federal, and state-federal programs which effect local government. The Commission will undertake a detailed statutory, administrative, and fiscal analysis of these programs, seeking to evaluate them individually and collectively as they effect the local government system. The main focus of this study will be in the following areas:

1. examining opportunities and attempts to deal with problems on an area-wide or multi-functional basis;
2. examining the procedures and administrative requirements and practices under the programs, to determine if needless complexity inhibits effective use by local government officials;
3. viewing the programs in their totality, to determine where individual programs may duplicate or conflict with or fail to supplement elements of similar programs or programs effecting the same locality;
4. seeking to develop innovative techniques and policies for improving both the effectiveness of these programs and the accessibility or ease of utilization from the point of view of the local official;
5. recommending legislative and administrative changes to insure that the programs will be of maximum benefit to local government.

The Commission intends to research some other specific problem areas during the coming fiscal year. For example, the analysis of the state as a redistributive unit; the examination of the economies of scale created by interlocal or area-wide action; the impact of intergovernmental transfers on municipal fiscal capabilities, including an examination of the role of special districts and authorities in New Jersey's local government.

While these studies are in progress, the Commission will begin the main phase of the research program—the development of a research design for the study of every major governmental function. *This analysis is the heart of the Commission's mandate; we will examine every function or*

*service of government in order to determine which level of government should perform or administer or finance which aspect of each service.* The Commission will undertake detailed analysis in each area, dealing with the economic considerations, with administrative problems, and with political considerations as well. In dealing with sewerage, for example, economic considerations might dictate a large area of service, while in elementary education or law enforcement political considerations might dictate smaller units. When this task is completed for all 16 major government services, legislative implementation of the Commission's findings may well mean better services and a much stronger local government system—a system which for the first time in its history is based on a rational allocation of duties on the basis of the strengths and resources of each level of government. Such reallocation may well mean that local government can once again become the flexible and creative system which it was meant to be.

### ***Funding***

The Commission has estimated that carrying out the program described above will cost approximately \$140,000.00. Various federal agencies have expressed their interest in the Commission's work and have made commitments to grant the Commission approximately \$80,000 during the next fiscal year (1969-70), subject to the legislature's appropriating necessary matching funds. The Commission has therefore requested a legislative appropriation of \$60,000, from which the Commission would obtain the funds necessary to match the federal grants and in addition it would also undertake other studies which are not eligible for federal funding. The Commission is hopeful that the coming year's work will be of benefit to local government and that the functional studies it will undertake based on the coming year's work will be of even greater benefit to strengthening and preserving our local government system.

APPENDIX D

STATE OF NEW JERSEY



*THE OPTIONAL COUNTY  
CHARTER LAW*

AN ACT concerning counties, providing plans of optional county  
charters and for the manner of adoption and effect thereof.

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# STATE OF NEW JERSEY

AN ACT concerning counties, providing plans of optional county charters and for the manner of adoption and effect thereof.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

## ARTICLE 1. PROCEDURES FOR ADOPTION FOR OPTIONAL COUNTY CHARTER PLANS

### A. BY ELECTION OF A CHARTER STUDY COMMISSION AND REFERENDUM

1 1. Submission of charter study question. Whenever authorized  
2 by resolution of the board of freeholders or on petition of the regis-  
3 tered voters of any county, an election shall be held in the county  
4 upon the question, "Shall a charter study commission be elected  
5 to study the present governmental structure of .....  
6 county, to consider and make findings concerning the form of county  
7 government and to make recommendations thereon?" A petition  
8 calling for such an election shall bear the signatures of a number  
9 of persons registered to vote in the county equal to or exceeding in  
10 number 10% of the persons registered to vote in the county  
11 on the fortieth day preceding the most recent previous primary or  
12 general election. Whenever such resolution or petition shall be  
13 filed with him, the county clerk shall provide for submission of the  
14 question at the next general election occurring not less than 60 days  
15 after the date of such filing. At the election, the question shall be  
16 submitted in the same manner as other public questions.

17 When a resolution or petition for the election of a charter study  
18 commission has been duly filed with the county clerk, no other such  
19 resolution or petition and no other proceedings for the adoption of  
20 any other charter or form of government available to the county  
21 may be filed unless the voters shall decide the aforesaid question  
22 in the negative or until the charter study commission elected by  
23 the voters shall have been discharged.

1 2. Election of charter study commission. At the same election  
2 as the public question is submitted, a charter study commission of  
3 nine members shall be elected by the county's registered voters.  
4 There shall be placed on the ballot the names of charter study com-  
5 mission candidates who shall have been nominated in the same  
6 manner as provided by law for candidates nominated by petition  
7 for freeholder, except that they shall be listed without party or  
8 other designation or slogan. The voting instructions shall state  
9 that the voter may vote on the question and that, regardless of  
10 how or whether he voted on the charter question, he may vote for  
11 nine members of a charter study commission who shall serve if the  
12 question is determined in the affirmative.

1 3. Nominating petitions. Candidates for the charter study com-  
2 mission shall be persons who were registered voters of the county  
3 as of the date of the most recent preceding general election. They  
4 may be nominated by petition signed by at least 200 registered  
5 voters. Said petition shall be filed not less than 40 days before the  
6 date of the election.

7 a. Each nominating petition shall set forth the name, place of  
8 residence, and post office address of the candidate thereby nomi-  
9 nated, that the nomination is for the office of charter study commis-  
10 sioner and that the petitioners are legally qualified to vote for such  
11 candidate. Every voter signing a nominating petition shall add to  
12 his signature, his place of residence, post office address and street  
13 number, if any. No voter shall sign petitions for more than nine  
14 candidates. No petition shall set forth the name of more than one  
15 candidate.

16 b. Each nominating petition shall, before it may be filed with the  
17 county clerk, contain an acceptance of such nomination in writing,  
18 signed by the candidate therein nominated, upon or annexed to  
19 such petition, or if the same person be named in more than one  
20 petition, upon or annexed to one of such petitions. Such acceptance  
21 shall certify that the nominee is a registered voter of the county,  
22 that he consents to stand as a candidate at the election and that, if  
23 elected, he agrees to take office and serve.

24 c. Each nominating petition shall be verified by an oath or  
25 affirmation of one or more of the signers thereof, taken and sub-  
26 scribed before a person qualified under the laws of New Jersey to  
27 administer an oath, to the effect that the petition was signed by  
28 each of the signers thereof in his proper handwriting, that the  
29 signers are, to the best knowledge and belief of the affiant, regis-  
30 tered voters of the county, and that the petition is prepared and  
31 filed in good faith for the sole purpose of endorsing the person  
32 named therein for election as stated in the petition.

33 d. All candidates shall be listed together on the same line or  
34 column of or position on the ballot, with no bracketing or separation  
35 into separate groups and with no slogans under any name. In no  
36 way shall slates or tickets be designated or suggested on the ballot.

1 4. Canvass of returns. The result of the votes cast for and  
2 against the charter study question shall be returned by election  
3 officers, and a canvass of such election had, as is provided by law  
4 in the case of other public questions put to the voters of a county.  
5 The votes cast for members of the charter study commission shall  
6 be counted, and the result thereof returned by the election officers,  
7 and a canvass of such election had, as is provided by law in the  
8 case of the election of members of the board of freeholders. The  
9 nine candidates receiving the greatest number of votes shall be  
10 elected and shall constitute the charter study commission, provided  
11 that if a majority of those voting on the public question shall vote  
12 against the election of a charter study commission, none of the  
13 candidates shall be elected. If two or more candidates shall receive  
14 the same number of votes, and such number of votes shall qualify  
15 both election to the ninth and last remaining vacancy on the com-  
16 mission, they shall draw lots to determine which one shall be elected.

1 5. Organization meeting of commission. The county clerk shall  
2 convene the first meeting of the charter study commission as soon  
3 as possible and in any event no later than 15 days after its election.  
4 At that meeting the charter study commission shall organize itself  
5 and elect one of its members as chairman, and another as vice-  
6 chairman, fix its hours and place or places of meeting, and adopt  
7 such rules for the conduct of its business as it may deem necessary  
8 and advisable. A majority of the members of said commission shall  
9 constitute a quorum for the transaction of business but no recom-  
10 mendation of said commission shall have any legal effect pursuant  
11 to sections 12 through 14 of this act unless adopted by a majority  
12 of the whole number of the members of the commission. The chair-  
13 man of the charter commission shall thereafter convene and preside



14 over all meetings. In his absence or if he is disabled, the vice-  
15 chairman shall serve in his place.

1 6. Vacancies. Any vacancy occurring in the charter commission  
2 shall be filled by the unsuccessful candidate who shall have received  
3 the greatest number of votes in the charter study commission elec-  
4 tion if he shall be available to fill such vacancy. In the event that  
5 the vacancy cannot be filled in this manner, the remaining members  
6 of the charter study commission shall appoint some other properly  
7 qualified citizen.

1 7. Duties of commission. It shall be the function and duty of the  
2 charter study commission to study the form of government of the  
3 county, to compare it with other forms available under the laws of  
4 this State, to determine whether or not in its judgment the govern-  
5 ment of the county could be strengthened, made more clearly  
6 responsive or accountable to the people or whether its operation  
7 could be more economical or efficient, under a changed form of  
8 government.

1 8. Advisors to the charter study commission. In any county in  
2 which a charter study commission has been established under this  
3 act, there shall also be established an advisory body to be known  
4 as the advisory board whose members shall have the right to  
5 participate in the deliberations of the charter study commission,  
6 but without the right to vote on commission recommendations or to  
7 endorse or dissent from any report of the commission by virtue of  
8 their official advisory role, although this in no way shall be deemed  
9 to inhibit their right to make comments as individuals after the  
10 release to the public of the charter study commission's report. The  
11 advisory board shall consist of the persons who, as of the second  
12 Tuesday of January next following the commission's organization  
13 meetings, shall hold the following offices: the director  
14 of the county board of freeholders, the county chairmen  
15 of the two political parties which received the largest  
16 vote in the county in three out of four of the most  
17 recent gubernatorial elections, the mayor of the muni-  
18 cipality having the smallest population of over 250  
19 in the county, according to the last population esti-  
20 mate published by the Division of Economic Development  
21 of the New Jersey Department of Labor and Industry, one  
22 Senator and one member of the General Assembly, both of  
23 whom shall be members of the county's delegation in the  
24 Legislature and both of whom shall be residents of the  
24a county at the time of their election to the advisory

25 body. The Senator and member of the General Assembly shall be  
26 elected to the advisory body by a majority vote of the whole number  
27 of the county's board of chosen freeholders within one week of the  
28 approval of the charter study referendum by the county's voters.

29 Nothing in this act shall be deemed to prohibit the board of chosen  
30 freeholders from electing as legislative members of the advisory  
31 body any persons who are not at the time of their election to the  
32 advisory body incumbent legislators but who will be legislators as  
33 of 3:00 p.m. on the second Tuesday of January following the election  
34 of the charter study commission. If there be no legislators or legis-  
35 lators-elect of the county's legislative delegation residing in the  
36 county as of 7 days after the approval of the charter study referen-  
37 dum by the voters, the board of freeholders shall elect two mayors  
38 of municipalities within the county to membership on the advisory  
39 body.

40 If the advisory body shall include among its members three  
41 mayors pursuant to the above provisions, no more than two of these  
42 mayors shall be of the same political party. The mayor of any  
43 municipality operating under a nonpartisan form of government  
44 shall be deemed to be a member of the party in whose primary  
45 election he last voted. If he shall never have voted in a primary  
46 election, he shall be deemed to have no party affiliation.

47 The membership of the advisory board shall be promulgated by  
48 the chairman of the charter study commission not later than 3 p.m.  
49 on the second Tuesday of January following the commission's  
50 organization meeting. If for any reason any member of the ad-  
51 visory board shall vacate the office by virtue of which he sits on  
52 the board, his successor, regardless of such successor's party  
53 affiliation, shall also succeed him on the board on the effective date  
54 of his assuming his predecessor's office.

1 9. State participation in charter studies. The Commissioner of  
2 the New Jersey Department of Community Affairs or his designee  
3 shall serve ex officio as a nonvoting advisor to all charter study  
4 commissions established under this act. It shall be his duty to  
5 collect, evaluate and transmit to each charter study commission  
6 such information, advice, plans, and policies as he may deem  
7 pertinent to county government and its relationship to State and  
8 municipal government. He shall meet with the charter study  
9 commission as frequently as the commission shall request in order

10 to assist the commission in determining the best form to recommend  
11 for the county's government.

1 10. Expenses and compensation of the commission. Members of  
2 the charter study commission shall serve without compensation but  
3 shall be reimbursed by the county for their necessary expenses  
4 incurred in the performance of their duties.

5 Upon submission of a budget by the charter study commission  
6 during the first week of January next following its election, the  
7 board of freeholders shall appropriate a sum adequate to support  
8 a full study of the county's government as set forth in section 7,  
9 as well as the printing, and publication of its reports, findings and  
10 recommendations as set forth in section 12 of this act. Within the  
11 limits of such appropriations and privately contributed funds and  
12 services as shall be made available to it, the charter study com-  
13 mission may appoint one or more consultants and clerical and other  
14 assistants to serve at the pleasure of the commission and may fix  
15 a reasonable compensation to be paid such consultants and clerical  
16 and other assistants.

1 11. Dissemination of information. The charter study commission  
2 shall hold public hearings, may hold private hearings, sponsor  
3 public forums and otherwise provide for the widest possible dis-  
4 semination of information and the stimulation of public discussion  
5 respecting the purposes and progress of its work.

1 12. Report and publication of findings. The charter study com-  
2 mission shall report its findings and recommendations to the citizens  
3 of the county on or before the end of the ninth calendar month next  
4 following the date of its election in the form of a final report which  
5 it shall file with the county clerk. It shall cause a sufficient number  
6 of copies of its final report to be published and delivered to the  
7 county clerk, who shall distribute it to all elected county and  
8 municipal officials. In addition, there shall be printed and made  
9 available at cost to the public at large a number of copies equal to at  
10 least 1% of the county's registered voters as of forty days before  
11 the most recent previous primary or general election.

12 The commission shall publish on two successive weeks in the man-  
13 ner provided by section 142 of this act the full text of the proposed  
14 charter, together with a summary of its findings and recommenda-  
15 tions, a summary of the provisions of the plan, if any, which it  
16 recommends for approval, and an analysis of and commentary upon  
17 such plan.

1 13. Recommendations. The charter study commission may  
2 report and recommend:

3 a. That a referendum be held to submit to the voters of the  
4 county the question of adopting that one of the optional forms of  
5 government set forth in articles 3 to 6, inclusive, of this act, that the  
6 commission has designated; or

7 b. That the board of freeholders shall petition the Legislature  
8 for the enactment of a special charter, the text of which shall be  
9 appended to the charter study commission's report pursuant to  
10 Article IV, Section VII, Paragraph 10, of the State Constitution  
11 1947 and to the enabling legislation enacted thereunder to the extent  
12 that such legislation is not inconsistent herewith; or

13 c. That the form of government of the county shall remain  
14 unchanged.

15 The commission may also draft and submit to the freeholders  
16 whatever recommendations it deems appropriate for the efficient  
17 administration of the county. Such recommendations may include  
18 a model administrative code. Such recommendations may be  
19 adopted by the freeholders in whole or in part, whether or not a  
20 new charter proposal is recommended by the commission or ap-  
21 proved by the voters.

1 14. Additional recommendations. If the charter study commis-  
2 sion shall vote to recommend adoption of one of the optional forms  
3 set forth in articles 3 to 6, inclusive, of this act, it shall also con-  
4 sider and make findings with respect to each of the three subjects set  
5 forth in subsections a, b, and c of this section and determine which  
6 plan would provide the best representation of the people of the  
7 county. The final report shall set forth said findings and determina-  
8 tions in detail.

9 Based upon said findings and determinations, the commission  
10 shall designate, as an integral part of its recommended plan, its  
11 choice of alternatives as follows:

12 a. Board size and term. The commission shall recommend that  
13 the board be composed of five, seven or nine members, each of  
14 whom shall hold office for a term of 3 years.

15 b. Concurrence of terms. The commission shall recommend  
16 either a continuation of the present system of nonconcurrent terms  
17 or the adoption of a new system of concurrent terms.

18 c. Constituencies. The commission shall recommend that all  
19 board members be elected at large, or that they be elected by  
20 districts, or that they be elected both at large and by districts. If  
21 the last recommendation is made, the number of freeholders elected  
22 by districts shall be as follows: in a county selecting a five-member  
23 board three shall be by district; in a county selecting a seven-  
24 member board four shall be by districts; and in a county selecting

25 a nine-member board five shall be by districts. Nothing in this  
26 paragraph shall apply to those officials whose constituency, term or  
27 method of election is defined in subsequent sections of this act.

1 15. Date of charter referendum. If the charter study commission  
2 shall have recommended the adoption of one of the optional forms  
3 of government authorized by articles 3 to 6 inclusive, of this act,  
4 the county clerk shall cause a referendum question conforming with  
5 the requirements of section 16 to be placed upon the ballot at such  
6 time and in such form as the commission shall in its report specify.  
7 The commission may specify that the question be submitted at the  
8 general election occurring not less than 60 days next following the  
9 filing of the commission's report with the county clerk, or, if there  
10 be no general election within 120 days next following the filing of  
11 its report, then at a special election occurring not less than 60 days  
12 or more than 120 days next following such filing of the report. At  
13 such election, the referendum question shall appear on the ballot  
14 in the same manner as other public questions are printed on the  
15 ballot. If the charter study commission shall have prepared an  
16 interpretive statement to accompany such question, such interpre-  
17 tive statement shall immediately precede the referendum question  
18 on the ballot.

1 16. Form of the referendum question. If the charter study com-  
2 mission shall have recommended that the voters approve one of  
3 the optional forms contained in this act, the following question,  
4 framed by the commission to conform with its recommendations  
5 shall be submitted to the voters:

6 "Shall the (designating the caption of article 3, 4, 5 or 6)  
7 of the Optional County Charter Law be adopted for .....  
8 county, with provision for a board of freeholders of (designat-  
9 ing 5, 7 or 9) members elected for (concurrent or noncon-  
10 current, as the case may be) terms and elected (all at large,  
11 or all from 5, 7 or 9 districts) (or with a combination of 2 at  
12 large, 3 by districts, or 3 at large, 4 by districts or 4 at large,  
13 5 by districts, as the case may be)?"

1 17. Petition for special charter. If the charter study commission  
2 shall have proposed a special charter, it shall be the duty of the  
3 board of freeholders to petition the Legislature forthwith for a  
4 special law or laws, pursuant to the State Constitution and in the  
5 manner provided by general enabling legislation thereunder, to  
6 carry out the recommendations of the charter study commission.

1 18. Discharge of commission. If the commission shall recom-  
2 mend that no change in the form of the county's government be

3 made, the commission shall be discharged as of the date of the  
4 filing of its report.

5 If the commission shall recommend that one of the optional plans  
6 set forth in articles 3 through 6 of this act be adopted, it shall be  
7 discharged when the plan is approved or rejected by the electorate.

8 If the commission shall recommend that a petition be presented  
9 to the Legislature for a special charter, the commission shall be  
10 discharged when the board of freeholders shall have taken all  
11 necessary steps to present the bill to the Legislature.

#### B. BY DIRECT PETITION AND REFERENDUM

1 19. The registered voters of any county may, without a charter  
2 study commission, adopt any of the optional plans provided in  
3 articles 3 through 6 inclusive, of this act upon petition and  
4 referendum, as hereinafter provided.

1 20. Upon the filing with the county clerk of such petition of the  
2 registered voters of any county, an election shall be held in the  
3 county upon the question of adopting any of the optional plans of  
4 government provided in articles 3 through 6 inclusive, of this act.  
5 The petition calling for such election shall be signed by a number  
6 of registered voters not less than 15% of the number of persons  
7 registered to vote in the county as of 40 days before the primary  
8 or general election next preceding the date of filing of such petition.

9 The petition shall designate the plan to be voted upon and the  
10 question to be placed upon the ballot shall be in the same form as  
11 is required by section 16 of this act.

1 21. The county clerk shall cause the question to be submitted at  
2 the general election occurring not less than 60 days next following  
3 the filing of the petition, or, if there be no general election within  
4 120 days next following the filing of the petition, then at a special  
5 election occurring not less than 60 days and not more than 120 days  
6 next following the filing of such petition. At such election, the  
7 referendum question shall appear on the ballot in the same manner  
8 as other public questions are printed on the ballot.

1 22. When a petition for a referendum pursuant to section 19  
2 shall have been duly filed with the county clerk, no other such  
3 petition, and no resolution or other proceedings for the adoption  
4 of any other charter or form of government available to the county  
5 may be filed unless and until the voters shall decide said referendum  
6 question in the negative.

C. PROVISIONS APPLICABLE TO ALL REFERENDA ON CHARTER CHANGES

1 23. After adoption, no vote on change for 5 years. Whenever  
2 the voters of any county shall have adopted an optional form of  
3 government pursuant to articles 3, 4, 5 or 6 of this act, no subse-  
4 quent referendum question for another form of government shall be  
5 submitted to the voters until not less than 5 years shall have elapsed  
6 after the effective date of the optional form so approved by the  
7 voters.

ARTICLE 2. INCORPORATION AND POWERS

1 24. Incorporation. The inhabitants of any county shall within  
2 the boundaries of that county be and remain a body corporate and  
3 politic, with perpetual succession.

1 25. Upon adoption by the registered voters of any county of any  
2 of the optional forms of government set forth in this act, the county  
3 shall thereafter be governed by the plan adopted, by the provisions  
4 of this law applicable to all optional plans, and by all general laws,  
5 subject to the transitional provisions in article 7 of this act.

1 26. General law. For the purposes of this act, a "general law"  
2 shall be deemed to be such law or part thereof, heretofore or here-  
3 after enacted, that:

- 4 a. Is not inconsistent with this act;
- 5 b. Is by its terms applicable to or available to all counties, or;
- 6 c. Additional laws or provisions of law whether applicable to all  
7 counties or to any category or class of counties, deals with one or  
8 more of the following subjects: the administration of the judicial  
9 system, education, elections, health, county public authorities, taxa-  
10 tion, and finance, and welfare.

11 Nothing in this act shall be construed to prevent counties from  
12 abolishing or consolidating agencies the existence of which has  
13 heretofore been mandated by State statute providing that such  
14 abolition or consolidation shall not alter the obligation of the  
15 county to continue providing the services previously provided by  
16 such abolished or consolidated agency.

17 The intent of this act is to enable a county that has adopted a  
18 charter pursuant to this act to cause any duty that has been  
19 mandated to it by the Legislature to be performed in the most  
20 efficient and expeditious manner, and, absent a clear legislative  
21 declaration to the contrary, without regard to organizational, struc-  
22 tural or personnel provisions contained in the legislation mandating  
23 such duty.

1 27. County powers generally. Any county that has adopted a  
2 charter pursuant to this act may, subject to the provisions of such  
3 charter, general law and the State Constitution:

4 a. Organize and regulate its internal affairs; create, alter and  
5 abolish offices, positions and employments and define the functions,  
6 powers and duties thereof; establish qualifications for persons  
7 holding offices, positions and employments; and provide for the  
8 manner of their appointment and removal and for their term, tenure  
9 and compensation.

10 b. Adopt, amend, enforce, and repeal ordinances and resolutions  
11 as defined in section 100, notwithstanding the effect of any refer-  
12 endum conducted prior to the county's adoption of its charter  
13 pursuant to this act.

14 c. Construct, acquire, operate or maintain public improvements,  
15 **projects or enterprises** for any public purposes, subject to such  
16 referendum as may otherwise be imposed by law;

17 d. Exercise powers of eminent domain, borrowing and taxation  
18 only as provided by general State law;

19 e. Exercise all powers of county government in such manner as  
20 its board of freeholders may determine;

21 f. Sue and be sued; have a corporate seal; contract and be con-  
22 tracted with; buy, sell, lease, hold and dispose of real and personal  
23 property; appropriate and expend moneys for county purposes;

24 g. Enter into contractual agreements with any other govern-  
25 mental body or group of bodies within or without the borders of  
26 the county; without regard to whether such other governmental  
27 body or group of bodies be a unit of State, county, or municipal  
28 government or a school district, authority or special district, to  
29 perform on behalf of that unit, any service or function which that  
30 unit would be authorized to provide for itself or for any other unit  
31 of government, provided, however, that no county shall contract  
32 to provide a service or function to any unit in any other county  
33 unless the board of freeholders of such other county shall first  
34 approve the proposed contract. All contracts under this section  
35 shall be specific as to the terms for rendering of services, the level,  
36 quality, and scope of the services to be performed, the cost of  
37 providing these services, and the duration of the contract. Such  
38 contract may provide for binding arbitration or for binding fact-  
39 finding procedures to settle disputes or questions arising as to the  
40 terms of service and quality and quantity levels thereof to be pro-  
41 vided under the contract. All services shall be performed on a cost  
42 basis, and no contract shall be for a duration of more than 7 years.  
43 Nothing in this section shall be construed to prevent two or more



44 counties from jointly undertaking a contract to provide a service  
45 or function to any other unit or group of units. For the purposes  
46 of this section, the county shall be deemed to be the general agent  
47 of the other party or parties to the contract with respect to the  
48 performance of the service or services as specified in the contract,  
49 with full powers of performance and maintenance of the service  
50 contracted for and full powers to undertake any operation ancillary  
51 thereto, and all other powers of enforcement and administrative  
52 regulation which are or might be exercised by the contracting  
53 principal. Except that no contracting party shall be liable for any  
54 part or share of the cost of constructing or maintaining any capital  
55 facility built by the county to provide such service unless such part  
56 or share of the cost of such capital facility's construction or  
57 maintenance is provided for in the contract between the two parties  
58 and the governing bodies of such contracting parties shall have  
59 ratified the contract. Nothing in this section shall be construed  
60 to prevent the contracting for provision of more than one service  
61 or group of services by the county, and the county may become  
62 the agent of any other unit of government in the performance of  
63 any and all functions which the contracting unit sees fit to employ  
64 the county as agent to perform.

1 28. Municipal powers. Nothing in this act shall be construed to  
2 impair or diminish or infringe on the powers and duties of municipi-  
3 palities and other units of government under the general law of this  
4 State. It is the intent of this act only to permit municipalities and  
5 other units of government to employ services and facilities of the  
6 county for more effective, efficient, and adequate provision of  
7 services if and when such units may deem it desirable to do so.  
8 Municipalities are and shall remain the broad repository of local  
9 police power in terms of the right and power to legislate for the  
10 general health, safety and welfare of their residents.

1 29. Municipal advisory councils. Regional advisory councils.  
2 The board of freeholders may by resolution establish a municipal  
3 advisory council consisting of the mayors of all municipalities in  
4 the county and in addition to, or instead of, a municipal advisory  
5 council, the board may establish regional advisory councils con-  
6 sisting of the mayors of neighboring municipalities or municipi-  
7 palities that have common interests or problems.

8 The board of freeholders shall meet periodically with the  
9 advisory councils to discuss county and municipal problems, county-  
10 municipal relations, cooperation in service problems, coordination  
11 of operations and capital facilities development, and other subjects

12 of mutual interest in order to provide closer county-municipal  
13 liaison and cooperation.

1 30. General powers. The grant of powers under this act is  
2 intended to be as broad as is consistent with the Constitution of  
3 New Jersey and with general law relating to local government. The  
4 grant of powers shall be construed as liberally as possible in regard  
5 to the county's right to reorganize its own form of government,  
6 to reorganize its structure and to alter or abolish its agencies,  
7 subject to the general mandate of performing services, whether  
8 they be performed by the agency previously established or by a  
9 new agency or another department of county government.

10 Based on the need to develop effective services to meet problems  
11 which cross municipal boundaries and which cannot be met effec-  
12 tively on an individual basis by the municipalities, the State, or  
13 other units of government, this act shall be construed as intending  
14 to give the county power to establish innovative programs and to  
15 perform such regional services as any unit that has the legal right  
16 to perform such service for itself may determine, in its own best  
17 interest, to have the county perform on a contractual basis.

### ARTICLE 3. COUNTY EXECUTIVE PLAN

#### A. FORM OF GOVERNMENT

1 31. Form; designation. The form of government provided in  
2 this article shall be known as the "county executive plan," and  
3 shall, together with articles 2 and 7 of this act, govern any county  
4 whose voters have adopted it pursuant to this act.

1 32. Elected officers. Each county operating under this article  
2 shall be governed by an elected board of freeholders and an elected  
3 county executive and by such other officers and employees as may  
4 be duly appointed pursuant to this act, general law, or ordinance.

#### B. COUNTY EXECUTIVE

1 33. Qualifications, election, term. The county executive shall be  
2 a qualified voter of the county residing in the county. He shall be  
3 elected from the county at large for a term of 4 years commencing  
4 on January 1 next following his election.

1 34. Salary. The salary of the county executive shall be fixed by  
2 ordinance of the board of freeholders; such salary shall be reason-  
3 able and commensurate with the duties of the office and with the

4 fact that the position of county executive is and shall be a full-time  
5 position. The salary of the county executive may not be lowered  
6 during his tenure in office.

1 35. Vacancies. The office of county executive shall be deemed  
2 vacant if the incumbent moves his residence from the county or he  
3 is by death, physical or mental illness or other casualty unable to  
4 continue to serve as county executive. Any vacancy in the office of  
5 county executive shall be filled in the manner prescribed by law for  
6 the election of county officers at the next general election occurring  
7 not less than 60 days after the occurrence of the vacancy. The  
8 board of freeholders may appoint one of their number or the chief  
9 administrator to serve as acting county executive until a successor  
10 has been elected. During the temporary absence or temporary  
11 disability of the county executive the chief administrator shall serve  
12 as acting county executive.

1 36. Duties. The executive power of the county shall be exercised  
2 by the county executive. He shall:

3 a. Report annually to the board of freeholders and to the people  
4 on the state of the county, and the work of the previous year; he  
5 shall also recommend to the board whatever action or programs he  
6 deems necessary for the improvement of the county and the wel-  
7 fare of its residents. He may from time to time at his discretion  
8 recommend any course of action or programs he deems necessary  
9 or desirable for the county to undertake;

10 b. Prepare and submit to the board for its consideration and  
11 adoption an annual operating budget, a capital budget and a capital  
12 program, establish the schedules and procedures to be followed by  
13 all county departments, offices and agencies in connection there-  
14 with, and supervise and administer all phases of the budgetary  
15 process as set forth in sections 132 to 141 of this act;

16 c. Enforce the county charter, the county's laws and all general  
17 laws applicable thereto;

18 d. Supervise the care and custody of all county property, in-  
19 stitutions and agencies;

20 e. Supervise the collection of revenues, and he shall audit and  
21 control all disbursements and expenditures and shall prepare a  
22 complete account of all expenditures. He shall also designate the  
23 repositories of county funds;

24 f. Sign all contracts, bonds or other instruments requiring the  
25 consent of the county;

26 g. Review, analyze and forecast trends of county services and  
27 finances and programs of all boards, commissions, agencies and  
28 other county bodies, and report and recommend thereon to the  
29 board;

30 h. Develop, install and maintain centralized budgeting, personnel  
31 and purchasing procedures as may be authorized by the administra-  
32 tive code;  
33 i. Negotiate contracts for the county subject to board approval;  
34 make recommendations concerning the nature and location of county  
35 improvements and execute improvements determined by the  
36 board;  
37 j. Assure that all terms and conditions, imposed in favor of the  
38 county or its inhabitants in any statute, franchise or other contract,  
39 are faithfully kept and performed;  
40 k. Serve as an ex officio nonvoting member of all appointive  
41 bodies in county government.

1 37. Powers. The county executive:  
2 a. Shall supervise, direct and control all county administrative  
3 departments;  
4 b. With the advice and consent of the board, he shall appoint the  
5 chief administrator and the heads of all county boards and com-  
6 missions;  
7 c. May at his discretion, remove or suspend any official in the  
8 unclassified service of the county over whose office the county execu-  
9 tive has power of appointment in accordance with the provisions of  
10 section 87b;  
11 d. May, at his discretion, delegate to department heads powers of  
12 appointment and removal, subject to civil service provisions of their  
13 departmental employees. If the county executive does not so dele-  
14 gate his power he may appoint and remove, subject to civil service  
15 requirements, all department heads, members of all boards and  
16 commissions and all employees whose positions have been author-  
17 ized by resolution of the board, by civil service, or as provided in  
18 the adopted county budget, and the manner of whose appointment  
19 is not specified elsewhere in this article;  
20 e. May require reports and examine the accounts, records and  
21 operations of any agency of county government;  
22 f. May at his discretion order any agency under his jurisdiction  
23 as specified in the administrative code to undertake any task for any  
24 other agency on a temporary basis if he deems it necessary for the  
25 proper and efficient administration of the county government to do  
26 so;  
27 g. Shall approve each ordinance of the board by signing it, or  
28 may veto any ordinance by returning it to the clerk of the board  
29 within 10 days of passage with a written statement of his objections  
30 to the ordinance. If  $\frac{2}{3}$  of the members of the board, upon recon-  
31 sideration of the measure, shall vote for it, the executive's veto

32 shall be overridden and the ordinance shall become law in 10 days  
33 without the executive's signature.

#### C. FREEHOLDER BOARD

1 38. The legislative power of the county shall be vested in the  
2 board of chosen freeholders.

1 39. At its organizational meeting each January the board shall  
2 select one of its members to serve as chairman and one as vice-  
3 chairman for the year.

1 40. The county executive may be present and participate in dis-  
2 cussions at all board meetings.

1 41. Board powers. The board of freeholders:

2 a. Shall advise and consent to all appointments by the executive  
3 for which board confirmation is specified under this article;

4 b. Shall pass in accordance with this act whatever ordinances  
5 and resolutions it deems necessary and proper for the good gov-  
6 ernance of the county;

7 c. May appoint a clerk to the board who shall serve at its plea-  
8 sure and keep the records and minutes of the board;

9 d. May appoint the county counsel, to serve at the pleasure of  
10 the board. The counsel shall head the county's legal department;

11 e. May pass a resolution of disapproval or dismissal, subject to  
12 the provisions of section 87b of this act;

13 f. May override a veto of the county executive by a  $\frac{2}{3}$  vote;

14 g. Shall approve the annual operating and capital budgets. The  
15 board may, by a majority vote reduce any item in the budget  
16 presented by the executive but may increase an item over the  
17 amount proposed by the executive only by a  $\frac{2}{3}$  vote.

#### D. CHIEF ADMINISTRATOR

1 42. Appointment. The county executive shall appoint a chief  
2 administrator who shall serve at his pleasure. The board shall  
3 advise and consent to his nomination but shall not prevent his  
4 suspension or dismissal by passage of a resolution of disapproval.

1 43. Qualifications. The chief administrator shall by education,  
2 experience and ability be qualified to perform the duties established  
3 for him.

4 He need not be a resident of the county at the time of his  
5 appointment, but during his tenure he may live outside the county  
6 only with the permission of the county executive.

1 44. Duties. The chief administrator shall be responsible only to  
2 the executive. He shall, under the direction and supervision of the

3 executive, undertake to assist in the orderly and efficient admin-  
4 istration of the county, performing whatever supervisory or  
5 administrative duties the executive deems necessary and proper.  
6 Nothing in this section shall be deemed to prohibit the chief  
7 administrator's being appointed to head one or more departments  
8 on a temporary or permanent basis.

#### ARTICLE 4. COUNTY MANAGER PLAN

##### A. FORM OF GOVERNMENT

1 45. Form; designation. The form of government provided in this  
2 article shall be known as the "county manager plan," and shall,  
3 together with articles 2 and 7 of this act, govern any county whose  
4 voters have adopted it pursuant to this act.

1 46. Officers. Each county operating under this article shall be  
2 governed by an elected board of freeholders and an appointed  
3 county manager and by such other officers and employees as may  
4 be duly appointed pursuant to this article, general law, or  
5 ordinance.

##### B. COUNTY MANAGER

1 47. Qualifications, appointment, term. The county manager shall  
2 be qualified by administrative and executive experience and ability  
3 to serve as the chief executive of the county. He shall be appointed  
4 by a majority vote of the whole number of the board of freeholders  
5 and shall serve for an indefinite term. He may be removed by a  
6 majority vote of the board subject to due notice and a public hear-  
7 ing. Such notice shall be in writing and shall be accompanied by a  
8 written bill of particular charges and complaints and public hear-  
9 ing on these charges shall be no less than 15 nor more than 30  
10 days after personal service of notice and charges.

11 At the time of his appointment the manager need not be a resi-  
12 dent of the county but after his appointment he may reside outside  
13 the county only with permission of the board.

1 48. Salary. The salary of the county manager shall be fixed by  
2 the board of freeholders; such salary shall be reasonable and com-  
3 mensurate with the fact that the position of county manager is and  
4 shall be a full-time position. The salary of the county manager may  
5 not be lowered during his tenure in office.

1 49. Vacancies. The office of county manager shall be deemed  
2 vacant if: the incumbent moves his residence from the county  
3 without board permission; or he is by death, physical or mental

4 illness or other casualty unable to continue to serve as county  
5 manager. Any vacancy in the office of county manager shall be  
6 filled in the manner prescribed in section 47 of this article. The  
7 board of freeholders may appoint the deputy manager or any de-  
8 partment head to serve as acting county manager until a successor  
9 has been appointed. During the temporary absence or temporary  
10 disability of the county manager the deputy manager or a depart-  
11 ment head designated by the manager if there be no deputy man-  
12 ager, shall serve as acting county manager.

1 50. Duties. The executive power of county shall be exercised by  
2 the county manager. The county manager shall:

3 a. Report annually to the board of freeholders and to the people  
4 on the state of the county, the work of the previous year and he  
5 shall also recommend to the board whatever action or programs  
6 he deems necessary for the improvement of the county and the  
7 welfare of its residents. He may from time to time at his discre-  
8 tion recommend any course of action or programs he deems ne-  
9 cessary or desirable for the county to undertake;

10 b. Prepare and submit to the board for its consideration and  
11 adoption an annual operating budget, a capital budget and a capi-  
12 tal program; establish the schedules and procedures to be followed  
13 by all county departments, offices and agencies in connection there-  
14 with, and supervise and administer all phases of the budgetary  
15 process as set forth in sections 132 to 141 of this act;

16 c. Enforce the county charter, the county's laws and all general  
17 laws applicable thereto;

18 d. Supervise the care and custody of all county property, institu-  
19 tions and agencies;

20 e. Supervise the collection of revenues, and he shall audit and  
21 control all disbursements and expenditures and shall prepare a  
22 complete account of all expenditures. He shall also designate the  
23 repositories of county funds;

24 f. Sign all contracts, bonds or other instruments requiring the  
25 consent of the county;

26 g. Organize the work of county departments subject to the  
27 administrative code adopted by the board. He shall further review  
28 their administration and operation and make recommendations  
29 pertaining thereto to the board;

30 h. Review, analyze and forecast trends of county services and  
31 finances and programs of all boards, commissions, agencies and  
32 other county bodies, and report and recommend thereon to the  
32A board;

33 i. Develop, install and maintain centralized budgeting, personnel  
34 and purchasing procedures as may be authorized by the admin-  
35 istrative code;

36 j. Negotiate contracts for the county subject to board approval  
37 and make recommendations concerning the nature and location of  
38 county improvements and execute improvements determined by  
39 the board;

40 k. Assure that all terms and conditions imposed in favor of  
41 the county or its inhabitants in any statute, franchise or other  
42 contract, are faithfully kept and performed;

43 l. Serve as ex officio nonvoting member of all appointive bodies  
44 in county government.

1 51. Powers. The county manager:

2 a. Shall supervise, direct and control all county administrative  
3 departments;

4 b. Shall appoint the deputy manager, the heads of all county de-  
5 partments, and all other administrative officers and county per-  
6 sonnel the manner of whose appointment is not prescribed else-  
7 where in this article;

8 c. May at his discretion, remove or suspend any official in the  
9 unclassified service of the county over whose office the county man-  
10 ager has power of appointment in accordance with the provisions  
11 of section 87b;

12 d. May, at his discretion, delegate to any administrative officer  
13 powers of appointment and removal of their departmental em-  
14 ployees subject to civil service provisions. If the county manager  
15 does not so delegate his power he may appoint and remove, subject  
16 to civil service requirements, all department heads, members of all  
17 boards and commissions and employees whose positions have been  
18 authorized by resolution of the board, by civil service, or as pro-  
19 vided in the adopted county budget; and the manner of whose  
20 appointment is not specified elsewhere in the article;

21 e. May require reports and examine the accounts, records and  
22 operations of any agency of county government;

23 f. May, at his discretion, order any agency under his jurisdiction  
24 as specified in the administrative code to undertake any task for  
25 any other agency on a temporary basis if he deems it necessary for  
26 the proper and efficient administration to do so.

#### C. FREEHOLDER BOARD

1 52. The legislative power of the county shall be vested in the  
2 board of chosen freeholders.



1 53. At its organizational meeting each January the board shall  
2 select one of its members to serve as chairman and one to serve  
3 as vice-chairman for the year. The chairman shall preside over  
4 board meetings during his tenure, and in his absence the vice-  
5 chairman shall preside.  
1 54. The county manager may be present at all board meetings  
2 and participate in all deliberations, without the right to vote.  
1 55. Board powers. The board of freeholders:  
2 a. Shall appoint a county manager under the provisions of sec-  
3 tion 47 of this article and may create the office of deputy manager;  
4 b. May appoint a clerk to the board who shall serve at its  
5 pleasure and keep the records and minutes of the board;  
6 c. May appoint a county counsel, to serve at the pleasure of the  
7 board, who shall head the county's legal department;  
8 d. Shall appoint members of all boards and commissions and  
9 other bodies whose manner of appointment is not otherwise  
10 specified in this article;  
11 e. May pass a resolution of disapproval of a suspension or dis-  
12 missal, subject to the provisions of section 87b of this act;  
13 f. Shall approve the annual operating and capital budgets;  
14 g. Shall pass in accordance with this act whatever ordinances  
15 and resolutions it deems necessary and proper for the good  
16 governance of the county.

#### D. DEPUTY MANAGER

1 56. Appointment. Subject to creation of such position the county  
2 manager may appoint a deputy manager who shall serve at his  
3 pleasure; the board may not prevent his suspension or dismissal  
4 by passage of a resolution of disapproval.  
1 57. Qualifications. The deputy manager shall by education, ex-  
2 perience and ability be qualified to perform the duties established  
3 for him.  
4 He need not be a resident of the county at the time of his appoint-  
5 ment, but during his tenure may live outside the county only with  
6 the permission of the manager.  
1 58. Duties. The deputy manager shall be responsible only to the  
2 manager. He shall, under the direction and supervision of the man-  
3 ager, undertake to assist in the orderly and efficient administration  
4 of the county, performing whatever supervisory or administrative  
5 duties the executive deems necessary and proper.  
6 Nothing in this section shall be deemed to prohibit the deputy  
7 manager's being appointed to head one or more departments on  
8 a temporary or permanent basis.

## ARTICLE 5. COUNTY SUPERVISOR PLAN

### A. FORM OF GOVERNMENT

1 59. Form; designation. The form of government provided in this  
2 article shall be known as the "county supervisor plan," and shall,  
3 together with articles 2 and 7 of this act, govern any county whose  
4 voters have adopted it pursuant to this act.

1 60. Elected officers. Each county operating under this article  
2 shall be governed by an elected board of freeholders and an elected  
3 county supervisor and by such other officers and employees as may  
4 be duly appointed pursuant to this article, general law, or  
5 ordinance.

### B. COUNTY SUPERVISOR

1 61. Qualifications, election, term. The county supervisor shall  
2 be a qualified voter of the county residing in the county. He shall  
3 be elected from the county at large for a term of 3 years commenc-  
4 ing on January 1 next following his election.

1 62. Salary. The salary of the county supervisor shall be fixed  
2 by ordinance of the board of freeholders; such salary shall be  
3 reasonable and commensurate with the duties of the office and may  
4 not be lowered during his tenure in office.

1 63. Vacancies. The office of county supervisor shall be deemed  
2 vacant if the incumbent moves his residence from the county or  
3 he is by death, physical or mental illness or other casualty unable  
4 to continue to serve as county supervisor. Any vacancy in the  
5 office of county supervisor shall be filled in the manner prescribed  
6 by law for the election of county officers at the next general election  
7 occurring not less than 60 days after the occurrence of the vacancy.  
8 The board of freeholders shall appoint one of their number to serve  
9 as acting county supervisor until a successor has been elected.  
10 During the temporary absence or temporary disability of the  
11 county supervisor the chief administrator shall serve as acting  
12 county supervisor, except that he shall not preside over freeholder  
13 board meetings.

1 64. Duties. The executive power of the county shall be exercised  
2 by the county supervisor. The county supervisor shall:

3 a. Report annually to the board of freeholders and to the people  
4 on the state of the county and the work of the previous year. He  
5 shall also recommend to the board whatever action or programs he  
6 deems necessary for the improvement of the county and the welfare  
7 of its residents. He may from time to time at his discretion recom-

8 mend any course of action or programs he deems necessary or  
9 desirable for the county to undertake;  
10 b. Preside over board meetings, with the right to vote in cases  
11 of ties; during his absence the board shall designate one of their  
12 members to serve as chairman pro tempore of the board;  
13 c. Serve as spokesman for the board on matters concerning  
14 policies and programs;  
15 d. Serve as representative of the board at ceremonial and civic  
16 occasions;  
17 e. Through the county administrator: enforce the county  
18 charter, the county's laws and all general laws applicable thereto;  
19 f. Serve as ex officio nonvoting member of all appointive bodies  
20 in county government.  
21 g. Represent the board in all dealings with the county admin-  
22 istrator, except as otherwise specified herein;  
23 h. Sign all contracts, bonds or other instruments requiring the  
24 consent of the county.

1 65. Powers. The county supervisor shall:  
2 a. Insure adequate supervision, direction and control of all  
3 county administrative departments, and care and maintenance of  
4 all county properties, institutions and agencies by the county  
5 administrator;  
6 b. With the advice and consent of the board, appoint all officials  
7 whose manner of appointment is not prescribed elsewhere in this  
8 article;  
9 c. At his discretion, remove or suspend anyone occupying one  
10 of the offices over which the county supervisor has power of  
11 appointment in accordance with the provisions of section 87b;  
12 d. At his discretion, require from the county administrator re-  
13 ports and examine the accounts, records and operations of any  
14 agency of county government;  
15 e. At his discretion order any agency under his jurisdiction as  
16 specified in the administrative code to undertake any task for any  
17 other agency on a temporary basis if he deems it necessary for  
18 the proper and efficient administration to do so;  
19 f. Approve each ordinance of the board by signing it, or may  
20 veto any ordinance by returning it to the clerk of the board within  
21 10 days of passage with a written statement of his objections to  
22 the ordinance. If  $\frac{2}{3}$  of the members of the board, upon reconsidera-  
23 tion of the measure, shall vote for it, the supervisor's veto shall be  
24 overridden and the ordinance shall become law in 10 days without  
25 the supervisor's signature.

### C. FREEHOLDER BOARD

1 66. The legislative power of the county shall be vested in the  
2 board of chosen freeholders.

1 67. Board powers. The board of freeholders:

2 a. Shall pass in accordance with this act whatever ordinances  
3 and resolutions it deems necessary and proper for the good govern-  
4 ance of the county;

5 b. Shall appoint and remove the county administrator by a  
6 majority vote and may create the office of, appoint and remove, a  
7 deputy administrator or by a majority vote;

8 c. Shall advise and consent to all appointments by the supervisor  
9 and administrator for which board confirmation is specified under  
10 this article;

11 d. May appoint a clerk to the board who shall serve at its  
12 pleasure and keep the records and minutes of the board;

13 e. May appoint the county counsel, to serve at the pleasure of  
14 the board. The counsel shall head the county's legal department;

15 f. May pass a resolution of disapproval of a suspension or dis-  
16 missal, subject to the provisions of section 87b of this act;

17 g. May override a veto of the county supervisor by  $\frac{2}{3}$  vote;

18 h. Shall approve the annual operating and capital budgets.

### D. CHIEF ADMINISTRATOR

1 68. Appointment. The chief administrator shall serve at the  
2 pleasure of the board.

1 69. Qualifications. The chief administrator shall by education,  
2 experience and ability, be qualified to perform the duties estab-  
3 lished for him.

4 He need not be a resident of the county at the time of his  
5 appointment, but during his tenure he may live outside the county  
6 only with the permission of the board.

1 70. Duties. The chief administrator shall be responsible to the  
2 board through the supervisor except as specified below. He shall  
3 be responsible for the efficient administration of the county's  
4 government. He shall:

5 a. Prepare and submit directly to the board for its consideration  
6 and adoption an annual operating budget, a capital budget and a  
7 capital program, establish the schedules and procedures to be  
8 followed by all county departments, offices and agencies in connec-  
9 tion therewith, and supervise and administer all phases of the  
10 budgetary process as set forth in sections 132 to 141 of this act;

11 b. Supervise the collection of revenues, and he shall audit and  
12 control all disbursements and expenditures and shall prepare a  
13 complete account of all expenditures. He shall also designate the  
14 repository funds;

15 c. Supervise the care and custody of all county property, institu-  
16 tions and agencies;

17 d. Organize the work of county departments, subject to the  
18 administrative code adopted by the board. He shall further review  
19 administration and make recommendations pertaining thereto to  
20 the board through the supervisor;

21 e. Review, analyze and forecast trends of county services and  
22 finances and programs of all boards, commissions, agencies and  
23 other county bodies, and report and recommend thereon to the  
24 board;

25 f. Develop, install and maintain centralized budgeting, personnel  
26 and purchasing procedures as may be authorized by the administra-  
27 tive code;

28 g. Negotiate contracts for the county subject to board approval  
29 and make recommendations concerning the nature and location of  
30 county improvements to be determined by the board;

31 h. Assure that all terms and conditions, imposed in favor of the  
32 county or its inhabitants in any statute, franchise or other contract,  
33 are faithfully kept and performed.

1 71. Powers. The county administrator shall:

2 a. Supervise, direct and control all county administrative de-  
3 partments;

4 b. Appoint the heads of all county departments and all other  
5 administrative officers and county personnel the manner of whose  
6 appointment is prescribed elsewhere in this article;

7 c. At his discretion, remove or suspend any official in the un-  
8 classified service of the county over whose office the county admin-  
9 istrator has power of appointment in accordance with the pro-  
10 visions of section 87b;

11 d. At his discretion, delegate to any administrative officer powers  
12 of appointment and removal of their departmental employees sub-  
13 ject to civil service provisions. If the county administrator does  
14 not so delegate his power he may appoint and remove, subject to  
15 civil service requirements, all employees whose positions have been  
16 authorized by resolution of the board, by civil service, or as pro-  
17 vided in the adopted county budget;

18 e. At his discretion, require reports and examine the accounts,  
19 records and operation of any agency of county government;

20 f. May, at his discretion, order any agency under his jurisdiction

21 as specified in the administrative code to undertake any task for  
22 any other agency on a temporary basis if he deems it necessary for  
23 the proper and efficient administration to do so.

## ARTICLE 6. BOARD PRESIDENT PLAN

### A. FORM OF GOVERNMENT

1 72. Form; designation. The form of government provided in this  
2 article shall be known as the "board president plan," and shall,  
3 together with articles 2 and 7 of this act, govern any county whose  
4 voters have adopted it pursuant to this act.

1 73. Elected officers. Each county operating under this article  
2 shall be governed by an elected board of freeholders and a free-  
3 holder board president and by such other officers and employees as  
4 may be duly appointed pursuant to this article, general law, or  
5 ordinance.

### B. BOARD PRESIDENT

1 74. Qualifications, election, term. The board president shall be a  
2 duly elected member of the board of freeholders. He shall be elected  
3 by the board of freeholders at their organizational meeting for a  
4 term of 2 years, such term to begin immediately after his election  
5 on January 1.

1 75. Salary. The salary of the board president shall be fixed by  
2 ordinance of the board of freeholders; such salary shall be reason-  
3 able and commensurate with the duties of the office.

1 76. Vacancies. The office of board president shall be deemed  
2 vacant if: the incumbent moves his residence from the county; or  
3 he is by death, physical or mental illness or other casualty unable  
4 to continue to serve as board president. Any vacancy in the office  
5 of board president shall be filled in the manner prescribed by law  
6 for the election of county officers at the next general election occur-  
7 ring not less than 60 days after the occurrence of the vacancy. The  
8 board of freeholders shall appoint one of their number to serve as  
9 acting board president for the remainder of the unexpired term.  
10 During the temporary absence or temporary disability of the board  
11 president the vice-president shall serve as acting president.

1 77. Duties. The executive power of the county shall be exercised  
2 by the board president. He shall:

3 a. Report annually to the board of freeholders and to the people  
4 on the state of the county, the work of the previous year and he  
5 shall also recommend to the board whatever action or programs he

- 6 deems necessary for the improvement of the county and the welfare  
7 of its residents. He may from time to time at his discretion recom-  
8 mend any course of action or programs he deems necessary or  
9 desirable for the county to undertake;
- 10 b. Preside over board meetings with the right to vote on all  
11 questions;
- 12 c. Serve as spokesman for the board on matters concerning  
13 policies and programs;
- 14 d. Serve as representative of the board at ceremonial and civic  
15 occasions;
- 16 e. Through the county administrator: enforce the county charter,  
17 the county's laws and all general laws applicable thereto;
- 18 f. Represent the board in all dealings with the county admin-  
19 istrator, except as otherwise specified herein;
- 20 g. Execute all contracts, bonds or other instruments requiring  
21 the consent of the county.
- 1 78. Powers. The board president shall:
- 2 a. Insure adequate supervision, direction and control of all county  
3 administrative departments, and care and maintenance of all county  
4 properties, institutions and agencies by the county administrator;
- 5 b. With the advice and consent of the board, appoint all members  
6 of independent or advisory boards and commissions and all other  
7 officials not serving in the administrative service of the county the  
8 manner of whose appointment is not prescribed elsewhere in this  
9 article;
- 10 c. Serve as an ex-officio nonvoting member of all appointive  
11 bodies in county government.
- 12 d. At his discretion, require from the county administrator re-  
13 ports and examine the accounts, records and operations of any  
14 agency of county government;
- 15 e. At his discretion, remove or suspend anyone occupying one of  
16 the offices specified in subsection b of this section subject to the  
17 procedures set forth in section 87b of this act.

#### C. FREEHOLDER BOARD

- 1 79. The legislative power of the county shall be vested in the  
2 board of chosen freeholders.
- 1 80. The board shall elect a president as specified in this article.  
2 At its organizational meeting each January the board shall select  
3 one of its members to serve as vice-president for the year.

- 1 81. Board powers. The board of freeholders:  
2 a. Shall pass in accordance with this act whatever ordinances or  
3 resolutions it deems necessary and proper for the good governance  
4 of the county;  
5 b. Shall appoint and remove the county administrator by a  
6 majority vote and may create the office of, appoint and remove, a  
7 deputy administrator by a majority vote;  
8 c. Shall advise and consent to all appointments by the president  
9 and administrator for which board confirmation is specified under  
10 this article;  
11 d. May appoint a clerk to the board who shall serve at its pleasure  
12 and keep the records and minutes of the board;  
13 e. May appoint the county counsel, to serve at the pleasure of the  
14 board. The counsel shall head the county's legal department;  
15 f. May pass a resolution of disapproval of a suspension or dis-  
16 missal, subject to the provisions of section 87b of this act;  
17 g. Shall approve the annual operating and capital budgets.

#### D. CHIEF ADMINISTRATOR

- 1 82. Appointment. The county administrator shall serve at the  
2 pleasure of the board.  
1 83. Qualification. The chief administrator shall by education, ex-  
2 perience and ability, be qualified to perform the duties established  
3 for him. He need not be a resident of the county at the time of his  
4 appointment, but during his tenure he may live outside the county  
5 only with the permission of the board.  
1 84. Duties. The chief administrator shall be responsible to the  
2 board through the president except as specified below. He shall be  
3 responsible for the efficient administration of the county's govern-  
4 ment. He shall:  
5 a. Prepare and submit directly to the board for its consideration  
6 and adoption an annual operating budget, a capital budget and a  
7 capital program, establish the schedules and procedures to be  
8 followed by all county departments, offices and agencies in connec-  
9 tion therewith, and supervise and administer all phases of the  
10 budgetary process as set forth in sections 132 to 141, inclusive;  
11 b. Supervise the collection of revenues, and he shall audit and  
12 control disbursements and expenditures and shall prepare a com-  
13 plete account of all expenditures. He shall also designate the  
14 repositories of county funds;  
15 c. Supervise the care and custody of all county property, institu-  
16 tions and agencies;



17 d. Organize the work of county departments, subject to the  
18 administrative code adopted by the board. He shall further review  
19 their administration and make recommendations pertaining thereto  
20 to the board;

21 e. Review, analyze and forecast trends of county services and  
22 finances and programs of all boards, commissions, agencies and  
23 other county bodies, and report and recommend thereon to the  
24 board;

25 f. Develop, install and maintain centralized budgeting, personnel  
26 and purchasing procedures as may be authorized by the admin-  
27 istrative code;

28 g. Negotiate contracts for the county subject to board approval  
29 and make recommendations concerning the nature and location of  
30 county improvements and execute improvements determined by the  
31 board;

32 h. Assure that all terms and conditions, imposed in favor of the  
33 county or its inhabitants in any statute, franchise or other contract,  
34 are faithfully kept and performed.

1 85. Powers. The county administrator shall:

2 a. Supervise, direct and control all county administrative de-  
3 partments;

4 b. Appoint the heads of all county departments and all other  
5 administrative officers and county personnel the manner of whose  
6 appointment is not prescribed elsewhere in this article;

7 c. May at his discretion, remove or suspend any official in the  
8 unclassified service of the county over whose office the county  
9 administrator has power of appointment, in accordance with the  
10 provisions of section 87b;

11 d. May, at his discretion, delegate to any administrative officer  
12 powers of appointment and removal of their departmental em-  
13 ployees subject to civil service provisions. If the county adminis-  
14 trator does not so delegate his power he may appoint and remove,  
15 subject to civil service requirements, all department heads, mem-  
16 bers of all boards and commissions, employees whose positions have  
17 been authorized by resolution of the board, by civil service, or as  
18 provided in the adopted county budget, and the manner of whose  
19 appointment is not specified elsewhere in this article;

20 e. May require reports and examine the accounts, records and  
21 operations of any agency of county government;

22 f. May, at his discretion, order any agency under his jurisdiction  
23 as specified in the administrative code to undertake any task for  
24 any other agency on a temporary basis if he deems it necessary for  
25 proper and efficient administration to do so.

## ARTICLE 7. PROVISIONS APPLICABLE TO ALL PLANS

### A. RELATIONS BETWEEN THE LEGISLATIVE AND EXECUTIVE BRANCHES

1 86. Separation of powers. In any county that shall have adopted  
2 a charter under this act, the board of chosen freeholders shall deal  
3 with county employees only through the officials responsible for  
4 the over-all executive management of the county's affairs as  
5 designated in articles 3 through 6 of this act—i.e., through the  
6 county executive, the county manager, the county supervisor, and  
7 the board president, respectively. All contact with county em-  
8 ployees, all actions and communications concerning the administra-  
9 tion of the county's government and provision of services, shall be  
10 through the aforementioned officials, except as otherwise provided  
11 in this act.

12 Nothing in this act shall be construed to prohibit the board's  
13 inquiry into any act or problem of the county's administration.  
14 Any freeholder may require a report on any aspect of the govern-  
15 ment of the county at any time by making a written request to the  
16 head of the executive branch of county government. The board  
17 may, by majority vote of the whole number of its members, require  
18 the head of the executive branch to appear before the board sitting  
19 as a committee of the whole, and to bring before the board such  
20 records and reports, and such officials and employees of the county  
21 as the board shall deem necessary to insure clarification of the  
22 matter under study.

23 The board further may, by majority vote of the whole number of  
24 its members, delegate any number of its members as an ad hoc  
25 committee to consult with the head of the executive branch to study  
26 any matter and to report to the board thereon.

27 It is the intent of this act to confer on the board general legisla-  
28 tive and such investigative powers as are germane to the exercise  
29 of its legislative powers, but to retain in the head of the executive  
30 branch full control over the county administration and over the  
31 administration of county services provided for in this act.

1 87. a. Appointments and dismissal. No member of any board of  
2 chosen freeholders in a county operating under a charter adopted  
3 pursuant to this act shall individually or collectively seek to in-  
4 fluence the head of the executive branch to dismiss any person  
5 from, or to appoint or to promote any person to, any position in  
6 the executive branch of county government, except that the board  
7 may, by a resolution of disapproval, adopted by a  $\frac{2}{3}$  vote of the  
8 whole number of the board, prevent the dismissal of certain em-  
9 ployees under conditions as set forth in subsection b of this section.

10 b. Suspension procedure. Suspensions will take effect imme-  
11 diately upon personal service of notice setting forth the order of  
12 suspension or dismissal. Dismissal or suspension for a definite  
13 term shall occur automatically in 30 calendar days from receipt of  
14 notice. But, if the officer or employee requests a public hearing on  
15 his dismissal or suspension for a definite term, no action beyond  
16 temporary suspension may be taken until the individual to be sus-  
17 pended or dismissed is given a public hearing not less than 15 nor  
18 more than 30 days after personal service of written notice of con-  
19 templated action. A copy of such notice shall be filed with the clerk  
20 to the board of freeholders immediately upon service of notice to  
21 the individual to be suspended or dismissed. In the event that  
22 within 35 days of receiving such notice, the board shall pass by a  
23  $\frac{2}{3}$  vote of the whole number of the board, a resolution of dis-  
24 approval, all proceedings and any suspension or dismissal of the  
25 individual shall be voided. In terms of recompense to the individ-  
26 ual, a vote of disapproval shall be deemed to negative the suspen-  
27 sion or dismissal order and for purposes of pay and civil service  
28 standing the action shall be deemed never to have transpired.

29 If, however, the suspension or dismissal order shall allege that  
30 the individual against whom action is contemplated or pending has  
31 committed a criminal act in the conduct of his public trust, no  
32 resolution of the board shall stay proceedings and the matter shall  
33 be brought to a public hearing in the manner prescribed above. If  
34 at that hearing probable cause for prosecution is found, all evidence  
35 shall immediately be forwarded to the county prosecutor for further  
36 action.

37 If, however, evidence does not warrant referral of the case to the  
38 county prosecutor, or if a grand jury does not return an indictment  
39 against the individual in question, or if he is found not guilty in a  
40 plenary trial on the merits, and if the board shall have passed a  
41 resolution of disapproval in the manner described above, said in-  
42 dividual shall be restored to his original position without record of  
43 the action, or prejudice therefrom, and shall receive full compensa-  
44 tion retroactive to the date of his suspension.

## B. RECALL

1 88. Elective officers; removal by recall petition and vote. Any  
2 elective officer shall be subject to removal from office for cause  
3 connected with his office, after he has served at least 1 year, upon  
4 the filing of a recall petition and the affirmative vote of a majority

5 of those voting on the question of removal at any general, regular  
6 county or special election.

1 89. Recall petition. A recall petition shall demand the removal of  
2 a designated incumbent, shall be signed by registered voters equal  
3 in number to not less than 20% of the registered voters as of 40  
4 days before last most recent primary or general election.

1 90. Signatures to recall petition. Each signer of a recall petition  
2 shall add to his signature his place of residence giving the street  
3 and number or other sufficient designation if there shall be no street  
4 and number. One of the signers to each such paper shall take an  
5 oath that the statement therein made is true as he believes and that  
6 each signature appended to the paper is the genuine signature of  
7 the person whose name it purports to be. Within 10 days from  
8 date of filing the petition the county clerk shall complete his exam-  
9 ination and ascertain whether or not such petition is signed by the  
10 requisite number of qualified voters, shall attach to the petition his  
11 certificate showing the result of his examination and shall by  
12 certified or registered mail send a copy of the certificate to the per-  
13 son filing the petition. If by that certificate the petition is shown to  
14 be insufficient it may be amended within 10 days from the date of  
15 said certificate. The county clerk shall within 5 days after such  
16 amendment make a similar examination and determination of the  
17 amended petition, and if the certificate shall show the same to be  
18 insufficient, it shall be returned to the person filing it without pre-  
19 judice to the filing of a new petition to the same effect.

1 91. Notice to officer; recall election; notice of filing of petition.  
2 If the petition shall be sufficient the county clerk shall within 2 days  
3 notify the official whose recall is sought thereby. If such notice  
4 cannot be served personally upon the official affected, service may  
5 be made by registered mail addressed to the officer's last known  
6 address. If within 5 days after the service of the notice by the  
7 county clerk the official sought to be recalled by such petition does  
8 not resign or, having tendered his resignation, it shall not have  
9 been accepted by the board of freeholders, the county clerk shall  
10 order and fix a date for holding a recall election not less than 60  
11 nor more than 90 days from the filing of the petition. Notice of the  
12 filing of the petition and of the date of the election shall be posted  
13 for public view in the office of the county clerk and he shall also  
14 publish the notice forthwith in the manner provided by section 142  
15 of this act.

1 92. Ballots. The ballots at the recall election shall conform to the  
2 requirements respecting the election of county officers, as provided

3 in this article or in Title 19 of the Revised Statutes (Elections),  
4 whichever shall apply in the county in accordance with the pro-  
5 visions of this act, except that the words "recall election" shall  
6 appear on the ballot. The recall features of the ballot shall appear  
7 at the top thereof and shall be separated from the portion of the  
8 ballot for the election of officers by a heavy black line. The pro-  
9 posal for recall shall be placed on the ballot in the following  
10 manner:

11 "Shall ..... (here insert name of incumbent)  
12 be removed from office by recall?" this matter shall occupy  
13 2 lines in bold-face type. Immediately below the above word-  
14 ing shall appear the phrase "for recall," and immediately  
15 underneath such phrase the words "against recall." Imme-  
16 diately at the left of each of these two phrases shall be printed  
17 a square, in which the voter may make a cross (X) or plus  
18 (+) or a check (V) mark. Immediately below the foregoing  
19 shall appear the following:

20 "Indicate your vote by placing a cross (X) or plus (+) or a  
21 check (V) mark in one of the squares above."

1 93. Removal of more than one officer. If the removal of more  
2 than one officer is sought the same provisions for submitting to the  
3 electors the question and direction hereinbefore described shall be  
4 repeated in the case of each officer concerned and their position on  
5 the ballot for their recall shall be in the order of the filing of the  
6 petition with the county clerk.

1 94. Election of successor; use of recall ballot. The same ballot  
2 used for submitting the question or questions of recall shall be used  
3 for the election of a successor to the incumbent sought to be re-  
4 moved and immediately under the black line following the recall  
5 question shall appear the phrase "Nominees for successors of  
6 ..... (here insert name of incumbent) in the  
7 event he is recalled." The names of all persons nominated as  
8 successors shall be placed upon the ballot in the manner provided  
9 for other elections of county officers. The incumbent sought to be  
10 removed may not run to succeed himself in the recall election.

1 95. Laws governing recall elections; selection of candidate for  
2 successor of recalled incumbent. The provisions of this article or  
3 of Title 19 of the Revised Statutes (Elections), whichever shall  
4 apply in the county in accordance with the provisions of this act,  
5 concerning the nomination of the county officers, preparation of the  
6 ballot, election of county officers, counting and canvassing of the  
7 results of the election of such officers, shall apply to the election for

8 the recall of officers and the election of their successors. The county  
9 committee of each political party shall be authorized to select a  
10 candidate for successor of a recalled incumbent in the manner as  
11 provided by Title 19 of the Revised Statutes for nominations to  
12 fill vacancy after the last day for filing petitions for nominations  
13 in the primary elections.

1 96. Publication of notices of arrangements for recall elections;  
2 conduct. The county clerk shall cause to be made due publication of  
3 notices of arrangements for holding all recall elections and they  
4 shall be conducted as are other elections for county officers.

1 97. Results of elections.

2 a. If a majority of voters in connection with the recall of any  
3 officer be in favor of the recall, the term of office of such officer shall  
4 terminate, upon the certification of the results of election by the  
5 county clerk;

6 b. If the results of such recall election shall, by the certificate of  
7 the county clerk, be shown to be against the recall of the officer he  
8 shall continue in office as if no recall election had been held, and the  
9 vote for the election for the successor of such officer taken at the  
10 time of such attempted recall shall be void.

1 98. Successor where incumbent resigns or is recalled. If the office  
2 of the incumbent shall become vacant either by his resignation or  
3 by the result of the recall election, his successor shall be the nominee  
4 receiving the greatest number of votes at the recall election. The  
5 person so elected shall serve for the remainder of the unexpired  
6 term.

#### C. COUNTY LEGISLATION

1 99. Meetings of board; journal. The board of freeholders shall  
2 by ordinance or resolution designate the time of holding regular  
3 meetings, which shall be at least monthly. All meetings of the board  
4 of freeholders shall be held at the county seat, except that special  
5 meetings may upon resolution of the board be held at such other  
6 times and places as the board may deem fit. The county executive,  
7 or supervisor or board chairman or president may, and upon  
8 written request of a majority of the members of the board, shall,  
9 call a special meeting of the board. In the call he shall designate  
10 the purpose of the special meeting and not any other business shall  
11 be considered.

12 The Clerk to the board shall keep a journal of the board's pro-  
13 ceedings and record, sign and present to the board for approval,

14 the minutes of every meeting. All official action or votes of the  
15 board shall be taken at meetings open to the public.

1 100. Rules of procedure; quorum; resolutions; compensation.

2 a. The board shall promptly after its organization determine  
3 and adopt, by resolution, a set of bylaws prescribing its own rules  
4 of procedure. Said bylaws shall not be inconsistent with any law-  
5 ful ordinance or statute;

6 b. A majority of the whole number of the members of the board  
7 shall constitute a quorum;

8 c. A resolution shall mean any act or regulation of the board re-  
9 quired to be reduced to writing, but which may be finally passed at  
10 the meeting at which it is introduced. The vote upon every resolu-  
11 tion shall be taken by roll call and the yeas and nays shall be entered  
12 on the minutes;

13 d. The compensation of the county executive, supervisor, man-  
14 ager or board president, and of freeholders and the chief admin-  
15 istrator and department heads shall be fixed by the board by ordi-  
16 nance promptly after its organization.

1 101. Ordinances.

2 a. An ordinance shall mean any act or regulation of the board  
3 required to be reduced to writing, published after introduction, and  
4 considered for final passage after public hearing at a meeting sub-  
5 sequent to the meeting at which it was introduced;

6 b. Except as otherwise provided by general law the procedure  
7 for the passage of ordinances shall be as follows:

8 (1) Every ordinance after being introduced and having passed a  
9 first reading, which first reading may be by title, shall be published  
10 at least once in the manner provided by section 142 of this act,  
11 together with a notice of the introduction thereof and the time and  
12 place when and where it will be further considered for final passage.  
13 If there be only one such publication the same shall be at least 2  
14 weeks prior to the time fixed for further consideration for final pas-  
15 sage. If there be more than one publication, the first shall be at  
16 least 2 weeks prior to the time fixed for further consideration for  
17 final passage. A copy of the proposed ordinance shall also be sent  
18 by regular mail to the clerk of each municipality in the county not  
19 less than 10 days prior to the date of hearing.

20 (2) At the time and place so stated in such publication, or at any  
21 time and place to which the meeting for the further consideration  
22 of the ordinance shall from time to time be adjourned, all persons  
23 interested shall be given an opportunity to be heard concerning

24 the ordinance. Final passage thereof shall be at least 10 days after  
25 the first reading.

26 (3) Upon the opening of the hearing, the ordinance shall be given  
27 a second reading, which reading may be by title, and thereafter, it  
28 may be passed by a majority of the whole number of the board, with  
29 or without amendments, or rejected. Prior to the said second read-  
30 ing, a copy of the ordinance shall be posted on the bulletin board  
31 or other place upon which public notices are customarily posted in  
32 the building in which the board regularly meets, and copies of the  
33 ordinance shall be made available to members of the general public  
34 who shall request such copies. If any amendment be adopted, sub-  
35 stantially altering the substance of the ordinance, the ordinance as  
36 so amended shall not be finally adopted until at least 2 weeks there-  
37 after, and the ordinance as amended shall be read at a meeting of  
38 the board, which reading may be by title, and shall be published,  
39 together with a notice of the introduction, and the time and place  
40 when and where the amended ordinance will be further considered  
41 for final passage, at least 5 days prior to the time so fixed. At  
42 the time and place so fixed, or at any other meeting to which the  
43 further consideration of the amended ordinance may be adjourned,  
44 the board may proceed to pass the ordinance, as amended, or again  
45 amend it in the same manner.

46 (4) Upon passage, every ordinance, or the title, together with a  
47 notice of the date of passage or approval, or both, shall be published  
48 at least once in the manner provided by section 142 of this  
49 act.

50 (5) Three copies of the full text of every ordinance so adopted  
51 shall be filed with the clerk of each municipality within the county  
52 not later than 10 days after the date of final passage.

53 (6) The board may enact, amend or supplement ordinances  
54 establishing, amending or supplementing a code or any parts  
55 thereof by reference to such code in any such ordinance and without  
56 inclusion of the text thereof in such ordinance if the code to be  
57 adopted and any related documents are printed in book form and a  
58 copy of such printed code and related documents so marked as to  
59 indicate plainly what portion thereof, if less than the whole, is in-  
60 tended to be adopted, is annexed to such ordinance and if such  
61 code and related documents or such portion thereof as is intended  
62 to be adopted is so described in said ordinance as to identify them  
63 and there is indicated in said description the common or trade  
64 name, if any, of such code and related documents and it is stated in  
65 the ordinance that three copies of said code and said related docu-  
66 ments, similarly marked, have been placed on file in the office of the



67 clerk of said board, upon the introduction of said ordinance and  
68 will remain on file there until final action is taken on said ordinance,  
69 for the use and examination of the public.

70 It shall not be necessary to publish any such code or related docu-  
71 ments, so to be adopted, as part of any such ordinance notwith-  
72 standing that printed copies thereof are annexed thereto, either  
73 before or after the final passage of such ordinance, if said printed  
74 copies are filed as aforesaid. The board of freeholders however  
74A may order the publication of said code or a synopsis in the manner  
74B provided by section 142 of this act if it is deemed that such proce-  
74C dure will be in the public interest because of the content and im-  
74D portance of the provisions of the code.

75 If any such ordinance is adopted, the said copies of said code and  
76 related documents shall remain on file in said office, so long as said  
77 ordinance is in effect, and three copies shall be placed on file and  
78 shall remain on file in the office of each clerk of each municipality  
79 within the county, for the use and examination of the public so long  
80 as said ordinance is in effect and printed copies of said ordinance  
81 and said code and related documents shall be made available to  
82 citizens on request and for which a nominal fee may be charged.

83 For the purpose of proof of any such ordinance or receipt thereof  
84 in evidence in all courts and places, such copy of such code and re-  
85 lated documents, so marked and annexed to such ordinance, shall  
86 be construed to be part of said ordinance, as fully as though it had  
87 been set forth at length therein.

88 (7) The board may prescribe penalties for the violation of ordi-  
89 nances it may have authority to pass, either by imprisonment in  
90 the county jail for any term not exceeding 90 days, or by a fine not  
91 exceeding \$500.00, or both. The court before which any person is  
92 convicted of violating any such ordinance shall have power to  
93 impose any fine or term of imprisonment not exceeding the max-  
94 imum fixed in such ordinance.

95 Any person convicted of the violation of any ordinance may, in  
96 the discretion of the court by which he was convicted, and in de-  
97 fault of the payment of any fine imposed therefor, be imprisoned  
98 in the county jail for any term not exceeding 90 days.

99 c. No ordinance other than the county budget ordinance shall  
100 take effect less than 20 days after its final passage by board and  
101 approval by the county executive, or supervisor or board chairman  
102 or president, where such approval is required, unless the board  
103 shall adopt a resolution declaring an emergency and at least  $\frac{2}{3}$  of  
104 all the members of the board vote in favor of such resolution.

1 102. Recording of ordinances and resolutions. The clerk to the  
2 board of freeholders shall record all ordinances and resolutions  
3 adopted by board and at the close of each year, with the advice and  
4 assistance of the county counsel shall bind, compile or codify true  
5 copies of all the ordinances and resolutions adopted during that  
6 year, properly indexed. He shall cause sufficient copies thereof to  
7 be printed to enable him to file three copies with the clerk of each  
8 municipality within the county, without charge, and also to make  
9 copies available to the general public, at cost.

1 103. Rules and regulations; filing; publication. No rule or regu-  
2 lation made by any department, officer, agency or authority of the  
3 county, except such as relates to the organization or internal man-  
4 agement of the county government or a part thereof, shall take  
5 effect until it is filed by the clerk to the board of freeholders with the  
6 clerk of each municipality in the county, and in such other manner as  
7 may be provided by ordinance. The clerk to the board shall provide  
8 for the prompt publication of such rules and regulations.

#### D. INITIATIVE AND REFERENDUM

1 104. Petition; percentage of registered voters required. The  
2 voters of any county shall have the power of initiative and, pur-  
3 suant thereto, may propose any ordinance and may adopt or reject  
4 the same at the polls. Any initiated ordinance may be submitted to  
5 the board by a petition signed by a number of registered voters  
6 equal to 15% of the registered voters of the county as of 40 calendar  
7 days before the last most recent primary or general election.

1 105. Power of referendum; time for filing petition. The voters  
2 shall have the power of referendum and, pursuant thereto, may  
3 approve or reject at the polls any ordinance submitted by the board  
4 to the voters or any ordinance passed by the board, against which  
5 a referendum petition has been filed as herein provided. No ordi-  
6 nance passed by the county board, except when otherwise required  
7 by general law or permitted by the provisions of section 116 or any  
8 other section of this act, shall take effect earlier than 20 days from  
9 the time of its final passage and its approval by the county executive  
10 or supervisor or board chairman or president where such approval  
11 is required. If within 20 days after such final passage and approval  
12 of such ordinance a petition protesting against the passage of such  
13 ordinance shall be filed with the county clerk and if the petition shall  
14 be signed by a percentage of the registered voters in numbers equal  
15 to 15% of the registered voters of the county as of forty calendar  
16 days before the last most recent primary or general election, the

17 ordinance shall be suspended from taking effect until proceedings  
18 are had as herein provided.

1 106. Petition papers; affidavits. All petition papers circulated  
2 for the purposes of an initiative or referendum shall be uniform in  
3 size and style. Initiative petition papers shall contain the full text  
4 of the proposed ordinance. The signatures to initiative or referen-  
5 dum petitions need not all be appended to one paper, but to each  
6 separate petition there shall be attached a statement of the circu-  
7 lator thereof as provided by this section. Each signer of any such  
8 petition paper shall sign his name in ink or indelible pencil and  
9 shall indicate after his name his place of residence by street and  
10 number, or other description sufficient to identify the place. There  
11 shall appear on each petition paper the names and addresses of  
12 three voters, designated as the committee of petitioners, who shall  
13 be regarded as responsible for the circulation and filing of the  
14 petition and for its possible withdrawal as hereinafter provided.  
15 Attached to each separate petition paper there shall be an affidavit  
16 of the circulator thereof that he, and he only, personally circulated  
17 the foregoing paper, that all the signatures appended thereto were  
18 made in his presence, and that he believes them to be the genuine  
19 signatures of the persons whose names they purport to be.

1 107. Filing of petition papers; examination; certification of  
2 result. All petition papers comprising an initiative or referendum  
3 petition shall be assembled and filed with the county clerk as one  
4 instrument. Within 20 days after a petition is filed, the county  
5 clerk shall determine whether each paper of the petition has a  
6 proper statement of the circulator and whether the petition is  
7 signed by a sufficient number of qualified voters. After completing  
8 his examination of the petition, the county clerk shall certify the  
9 result thereof to the board at its next regular meeting. If he shall  
10 certify that the petition is insufficient he shall set forth in his  
11 certificate the particulars in which it is defective and shall at once  
12 notify at least two members of the committee of the petitioners of  
13 his findings.

1 108. Amendment of initiative or referendum petition. An initia-  
2 tive or referendum petition may be amended at any time within 10  
3 days after the notification of insufficiency has been served by the  
4 county clerk, by filing a supplementary petition upon additional  
5 papers signed and filed as provided in case of an original petition.  
6 The county clerk shall, within 5 days after such an amendment is  
7 filed, examine the amended petition and, if the petition be still in-  
8 sufficient, he shall file his certificate to that effect in his office and

9 notify the committee of the petitioners of his findings and no  
10 further action shall be had on such insufficient petition. The finding  
11 of the insufficiency of a petition shall not prejudice the filing of a  
12 new petition for the same purpose.

1 109. Suspension of ordinance. Upon the filing of a referendum  
2 petition with the county clerk, the ordinance shall be suspended  
3 until 10 days following a finding by the county clerk that the peti-  
4 tion is insufficient or, if amended petition be filed, until 5 days  
5 thereafter; or, if the petition or amended petition be found to be  
6 sufficient, until it be withdrawn by the committee of the petitioners  
7 or until repeal of the ordinance by vote of the board or approval or  
8 disapproval of the ordinance by the voters.

1 110. Submission to board of freeholders. Upon a finding by the  
2 county clerk that any petition or amended petition filed with him in  
3 accordance with this act is sufficient, the clerk shall submit the same  
4 to the board without delay. An initiative ordinance so submitted  
5 shall be deemed to have had first reading and provision shall be  
6 made for a public hearing.

1 111. Submission of ordinance to voters; withdrawal of petition.  
2 If within 60 days of the submission of a certified petition by the  
3 county clerk the board shall fail to pass an ordinance requested by  
4 a referendum petition, the county clerk shall submit the ordinance  
5 to the voters, unless within 10 days after final adverse action by the  
6 board or after the expiration of the time allowed for such action, as  
7 the case may be, a paper signed by at least four of the five members  
8 of the committee of the petitioners shall be filed with the county  
9 clerk requesting that the petition be withdrawn. Upon the filing of  
10 such a request, the original petition shall cease to have any force  
11 or effect.

1 112. Referendum election. Any ordinance to be voted on by the  
2 voters in accordance with sections 104 through 116 of this act shall  
3 be submitted at the next general or regular county election occurring  
4 not less than 60 days after the date of final action by the board or  
5 the expiration of the time allowed for action by board in section 111  
6 of this article, as the case may be, provided that if no such election  
7 is to be held within 90 days the board may in its discretion provide  
8 for a special election.

1 113. Number of proposed ordinances voted upon; time between  
2 special elections. Any number of proposed ordinances may be voted  
3 upon at the same election in accordance with the provisions of this  
4 article, but there shall not be more than one special election in any  
5 period of 6 months for such purpose.

1 114. Publication of ordinance. Whenever an ordinance is to be  
2 submitted to the voters of the county at any election in accordance  
3 with this article, the clerk shall cause the ordinance to be published  
4-5 in the manner provided by section 142 of this act. The publication  
6 shall be not more than 20 nor less than 5 days before the submis-  
7 sion of the ordinance or proposition to be voted on.

1 115. Ballots. The ballots to be used at such election shall be in  
2 substantially the following form:

3 "To vote upon the public question printed below, if in favor  
4 thereof mark a cross (X) or plus (+) or check (✓) in the  
5 square at the left of the word 'Yes', and if opposed thereto  
6 mark a cross (X) or plus (+) or a check (✓) in the square to  
7 the left of the word 'No'."

	Yes	"Shall the ordinance (indicate whether submitted by board or initiative or referendum petition) providing for (here state nature of proposition) be adopted?"
	No	

1 116. Results of election; conflicting measures. If a majority of  
2 the qualified electors voting on the proposed ordinance shall vote in  
3 favor thereof, such ordinance shall thereupon become a valid and  
4 binding ordinance of the county and be published as in the case of  
5 other ordinances. If the provisions of two or more measures  
6 approved or adopted at the same election conflict, then the measure  
7 receiving the greatest affirmative vote shall control.

#### E. ELECTION DISTRICTS

1 117. Division of county adopting a district representation system  
2 under section 1.14 c into districts. Whenever any county adopts a  
3 district representation system as set forth in section 14c of this  
4 act, said county shall be divided into districts by the district com-  
5 missioners as hereinafter provided.

1 118. District commissioners. The members of the county board  
2 of elections, together with the county clerk of the county, shall con-  
3 stitute the district commissioners.

1 119. Meeting of district commissioners; division into districts.  
2 Within 5 days following the election at which the voters of the  
3 county shall have adopted one of said optional plans, the district  
4 commissioners shall meet and, having first taken and subscribed

5 before some officer authorized to administer oaths, an oath faith-  
6 fully and impartially to perform the duties imposed upon them,  
7 shall forthwith proceed to divide the county into such number of  
8 districts as is specified in the adopted plan.

1 120. Boundaries of districts; population difference. The district  
2 commissioners shall fix and determine the district boundaries so  
3 that each district is formed of compact and contiguous territory.  
4 The districts so created shall be as equal as possible in population.

1 121. Report and certificate; map. Within 30 days after the adop-  
2 tion of one of said optional plans, the district commissioners shall  
3 make and file their report and certificate over at least three of their  
4 signatures setting forth and properly describing the district  
5 boundaries fixed and determined, to which there shall be annexed  
6 a map of the county with the district boundaries clearly marked  
7 thereon.

8 The report so certified shall be filed in the office of the clerk of  
9 the county, and a copy thereof shall also be filed with the Secretary  
10 of State.

1 122. Notice of district boundaries; publication. A notice of the  
2 district boundaries as fixed and determined by the district commis-  
3 sioners shall be published by the clerk of the county at least once  
4 in the manner provided by section 142 of this act within 2 weeks  
5 immediately next succeeding the filing of the report and certificate  
6 required by section 121 of this act.

7 Upon completion of the publication, all officers elected or  
8 appointed in the county for or representing the districts thereof  
9 shall be elected from or appointed for the districts fixed by the  
10 district commissioners hereunder.

1 123. Adjustments in district boundaries following census. Within  
2 3 months following the official promulgation of each decennial  
3 Federal census, the district commissioners shall meet, in the manner  
4 heretofore provided in this article for the purpose of making such  
5 adjustments in district boundaries as shall be necessary pursuant  
6 to section 120 of this act. Within 30 days following such meeting  
7 they shall discharge their duties and report to the county in the  
8 same manner as provided in sections 121 and 122 of this act.

#### F. SUCCESSION IN GOVERNMENT

1 124. Schedule of installation of optional plan adopted. The  
2 schedule of installation of an optional plan adopted pursuant to  
3 this act shall, as provided herein, take the following course:

4 a. An election to submit the question of adoption of an optional  
5 plan may be held at any time in accordance with the provisions of  
6 article 1 of this act;

7 b. In the event of a favorable vote of the voters at the above  
8 election, the first election of officers under the adopted plan shall  
9 take place at the next general election occurring no less than 75  
10 days next following the adoption of one of the optional plans in  
11 this act.

12 c. The offices of the entire board of freeholders and all other  
13 offices established by any plan in this act which has been adopted  
14 by the registered voters of the county except sheriff, clerk, sur-  
15 rogate and register of wills shall be voted on at the first general  
16 election following adoption of such plan. In November of the first  
17 general election after the adoption of any plan provided in this  
18 act, the terms of all incumbent members of the board of freeholders  
19 shall be deemed terminated at noon on the first Monday following  
20 the election of the new board of freeholders. On that date the  
21 newly-elected freeholders shall take office and the new board shall  
22 organize itself in accordance with the plan adopted thereunder.  
23 All freeholders and other officers elected in the first general election  
24 following the adoption of any plan provided in this act shall take  
25 office at noon on the Monday next following their election, but their  
26 terms shall expire in accordance with the plan selected, as if they  
27 had taken office on January 1 in the year following their election.  
28 But nothing in this section shall be construed to prevent an in-  
29 cumbent freeholder from becoming a candidate for the new board,  
30 even if his present time on the board has not yet expired. In the  
31 event that the plan approved provides for concurrent terms, all  
32 freeholders shall be elected for concurrent 3-year terms. In the  
33 event that the approved plan provides for staggered terms, terms  
34 shall be as follows:

35 (1) If there be five members to be elected, two shall be elected for  
36 3 years, two shall be elected for 2 years, and one for 1 year.

37 (2) If there be seven members to be elected, three shall be elected  
38 for 3 years, two for 2 years, and two for 1 year.

39 (3) If there be nine members to be elected, three shall be elected  
40 for 3 years, three for 2 years and three for 1 year.

41 In all elections, after the first election under this act, all members  
42 shall be elected for 3-year terms beginning on January 1 in the  
43 year following their election.

1 125. Adoption of the administrative code. On or before 12:00 m.  
2 on May 1 following the organization of the first board of chosen  
3 freeholders elected under this act, the board of chosen freeholders

4 shall adopt an administrative code organizing the administration  
5 of the county government, setting forth the duties and responsi-  
6 bilities and powers of all county officials and agencies, and the  
7 manner of performance needed. Nothing in the administrative  
8 code shall change the duties or powers of county officers whose  
9 existence is mandated by the constitution or shall diminish the  
10 duties, responsibilities or powers of any elected or appointed head  
11 of the executive branch or chief assistant thereto or chief or county  
12 administrator.

1 126. Effective date of administrative code. At 12:00 m. on May 1  
2 following the organization of the first board of chosen freeholders  
3 elected under this act, the administrative code shall enter into  
4 effect, and all hitherto existing agencies shall assume the form,  
5 perform the duties, and exercise the power granted them under  
6 the administrative code and shall do so in the manner prescribed  
7 therein.

1 127. Existing resolutions remain in force where not inconsistent.  
2 Upon the effective date of the charter change, all resolutions of  
3 the county to the extent that they are not inconsistent with the  
4 provisions of this act shall remain in full force and effect until  
5 modified or repealed as provided by law.

1 128. Appointments between election and time of taking office  
2 under optional plan; pending actions and proceedings.

3 a. No subordinate board, department, body, office, position or  
4 employment shall be created and no appointments shall be made  
5 to any subordinate board, department or body, or to any office,  
6 employment or position, without limitation, between the date of  
7 election of officers and the date of the adoption of the administrative  
8 code.

9 b. All actions and proceedings of a legislative, executive or  
10 judicial character which are pending upon the effective date of an  
11 optional plan adopted pursuant to this act may continue, and the  
12 appropriate officer or employee theretofore exercising or discharg-  
13 ing the function, power or duty involved in such action or  
14 proceeding.

#### G. CIVIL SERVICE

1 129. Employees in the classified service. At 12:00 m. on May 1  
2 following the election of the first freeholder board elected under  
3 any plan set forth in articles 3 through 6 of this act, all officers and  
4 employees in the classified service of the county shall be transferred  
5 to the department, division or agency to which the functions, powers



6 or duties in which they were engaged are allocated under the  
7 administrative code. Such transfer shall be without examination  
8 or diminution of existing compensation pension or retirement  
9 rights, privileges or obligations of any such officer or employee.  
10 It is the intent of the Legislature that the adoption of any plan  
11 found in this charter shall not adversely effect the civil service  
12 tenure, pension, seniority or promotional rights of any county officer  
13 or employee in the classified service.

1 130. County administration of civil service. The board of free-  
2 holders of any county adopting one of the plans of government set  
3 forth in this act may by resolution apply to the New Jersey Civil  
4 Service Commission for permission to administer the merit system  
5 through a county department of civil service. Such administration  
6 shall include classification, recruitment, examination, establishment  
7 of eligibility lists, grievances, compensation, and other conditions  
8 of employment, all to be performed under the general supervision  
9 of the New Jersey Department of Civil Service, and in addition such  
10 other functions as the State Department may authorize or approve.

1 131. Procedures for establishment of county department of civil  
2 service. Upon passage of a resolution by the board of freeholders  
3 calling for the establishment of a county department of civil service  
4 the chief executive of the county shall transmit a copy of the resolu-  
5 tion together with such other communication as he may deem appro-  
6 priate to the President of the New Jersey Civil Service Commission.  
7 The president of the commission shall then instruct his staff to  
8 determine if administration of civil service by that county would  
9 be consistent with the administration of an equitable system  
10 governing the employment of public employees throughout the  
11 State, the best interests of public employees throughout the State  
12 and within the county requesting such approval, and the public  
13 interest in the efficient governance of the county on behalf of its  
14 citizens.

15 The commission shall, by rules adopted for the purpose, require  
16 the board of freeholders requesting its approval to submit a plan  
17 for the administration by such county department of a system of  
18 civil service, which plan shall include information sufficient to  
19 determine the capacity, competency and ability of the county  
20 department to administer properly the provisions of the Civil  
21 Service Law. Such plan shall not be implemented nor shall such  
22 department be operative until after receipt by the requesting board  
23 of freeholders of a statement of approval, in writing, of the Civil  
24 Service Commission and, in any event, until after the passage of 2  
25 years from the date upon which such plan is submitted by the board

26 to the commission. The revision, amendment or repeal of such plan  
27 and the acts and ordinances enacted in connection therewith shall  
28 be subject to the approval of the commission in the same manner  
29 as hereinabove provided except that the mandatory period of delay  
30 shall not apply and the Civil Service Commission shall exercise  
31 its authority to approve or disapprove within a reasonable time.  
32 The Civil Service Commission shall assure the compliance with  
33 provisions of the Civil Service Law of the administration of a  
34 system of civil service by any county department and the adminis-  
35 tration of such a system shall be subject to the continuing audit,  
36 review and approval of the State Civil Service Commission  
37 pursuant to rules promulgated by it for that purpose.

#### H. THE BUDGETARY PROCESS

1 132. Fiscal year. The fiscal year of the county shall be the  
2 calendar year except as may be otherwise provided by the Local  
3 Budget Law.

1 133. Preparation and submission of current expense budget and  
2 capital budget; hearings, distribution of budget document. On or  
3 before January 15 of each year, the budget officer (i.e. the county  
4 executive in the case of a charter adopted under article 3, the  
5 county manager in the case of a charter adopted under article 4,  
6 or the chief administrator in the case of charters adopted under  
7 articles 5 and 6), shall submit to the board of chosen freeholders,  
8 a budget document consisting of: (1) the current expense budget  
9 for the ensuing fiscal year; (2) the county capital budget and (3) a  
10 budget message. On or before September 1 of each year, the budget  
11 officer shall establish the schedules and procedures to be followed  
12 by all county departments, offices and agencies to prepare for these  
13 and all other financial documents. Every budgetary request shall  
14 be advertised according to law. No budgetary request shall be  
15 approved and submitted by the budget officer until after a public  
16 hearing has been held thereon and tax payers and all persons  
17 having an interest thereon shall have been given an opportunity  
18 to present objections. Public hearings on budget requests shall be  
19 held according to law, at the time and place set by the budget officer.

1 134. Scope of budget and message. The budget document shall  
2 be prepared by the budget officer in such form as will comply with  
3 the Local Budget Law, together with such additional schedules and  
4 analyses as he deems desirable, or as may be required or approved  
5 by the board of chosen freeholders. The budget message shall  
6 explain the budget both in fiscal terms and in terms of work to be

7 done. It shall outline the proposed financial policies of the county  
8 for the ensuing fiscal year, describe the important features of the  
9 budget plan, and indicate its major objectives. It shall indicate  
10 any major changes in financial policies and in expenditures, appro-  
11 priations and revenues as compared with the preceding fiscal year,  
12 and shall set forth reasons for the changes.

1 135. Scope of capital budget and program; definitions. The  
2 capital budget and program shall be prepared by the budget officer  
3 in such form as required by law, together with such schedules and  
4 analyses as he deems desirable, or as may be required or approved  
5 by the board of freeholders.

6 A capital budget shall be a plan for the expenditure of public  
7 funds for capital purposes for the ensuing year showing  
8 as income: the revenues, special assessments, free surplus, in down  
9 payment appropriations to be applied to the cost of a capital project  
10 or projects, expenses of issuance of obligations, engineering super-  
11 vision, contracts and other related expenditures.

12 A capital program shall include a statement of capital under-  
13 takings underway or projected for a period not greater than over  
14 the next ensuing 6 years as a general improvement program.

1 136. Budgets: notice and hearing. A public hearing shall be  
2 held on the current expense budget and capital budget in accordance  
3 with the Local Budget Law. At such hearings, the budget officer  
4 shall provide for discussion of the capital program as well.

1 137. Budgets: board action. After the public hearing, the board  
2 shall act upon the budget document in accordance with the Local  
3 Budget Law.

1 138. Appropriation requests; allotments. During the next to last  
2 month before the beginning of the fiscal year, the head of each  
3 department, office and agency of the county shall submit to the  
4 budget officer a work program for the year, which program shall  
5 include all requests for appropriations for its operation and  
6 maintenance, and shall show the proposed allotments of said appro-  
7 priations for such department, office or agency by quarters for the  
8 entire fiscal year. The budget officer shall review requested allot-  
9 ments in light of the work program of the department, office or  
10 agency concerned, and if he deems it necessary, may revise, alter,  
11 or change them before the same are submitted to the board of free-  
12 holders. The aggregate of such allotments shall not exceed the total  
13 appropriation available to each department, office or agency for the  
14 fiscal year.

15 No expenditure for a department, office or agency shall be made  
16 from the appropriations except on the basis of approved allotments.

17 The approved allotments may be revised during the fiscal year,  
18 within the appropriations available by the budget officer or upon  
19 application by the head of any department, office or agency ap-  
20 proved by the budget officer. If at any time during the fiscal year,  
21 the budget officer shall ascertain that the probable current revenue,  
22 plus fund balances, for the fiscal year will be less than the total  
23 appropriations, he may reconsider the work programs and allot-  
24 ments of the several departments, offices and agencies and revise  
25 them accordingly.

1 139. Payments and obligations; certifications; penalties. No  
2 payment shall be authorized or made and no obligations shall be  
3 incurred against the county except in accordance with appropria-  
4 tions duly made. No obligation shall be incurred against any  
5 allotment or appropriation unless the budget officer or his designee  
6 first certifies that there is a sufficient unencumbered balance in the  
7 allotment or appropriation, and that sufficient funds therefrom will  
8 be available to meet the obligation concerned when it becomes due  
9 and payable. Any county officer or employee who knowingly  
10 authorizes or makes any payments or incurs any obligation in  
11 violation of the provisions of this charter or takes part therein  
12 may in addition to any other penalty provided by law, be removed  
13 from his office or employment.

1 140. Other payments and obligations. Nothing contained in this  
2 section or otherwise in the charter shall be construed to prevent  
3 the making or authorizing of payments or making of contracts for  
4 capital improvements to be financed wholly or partly by the issuance  
5 of bonds; nor shall it prevent the making, when permitted by statute  
6 or ordinance, of any contract or lease providing for the payment  
7 of funds at a time beyond the end of the fiscal year which the  
8 contract or lease is made. Any contract, lease or other obligation  
9 requiring the payment of funds from the appropriations of a  
10 later fiscal year or of more than 1 fiscal year may be made or  
11 approved only by ordinance.

1 141. Annual post-audit. The board of chosen freeholders shall  
2 provide annually for an independent audit of the accounts and  
3 other evidences of financial transactions of the county and of every  
4 county department, office and agency, pursuant to law.

#### I. PUBLICATION OF OFFICIAL NOTICES

1 142. Whenever notice by publication is required under this act  
2 the clerk to the board of freeholders or the county counsel, which-  
3 ever shall be charged by the board to do so, or any other person

4 charged under any section of this act with the duty of causing such  
5 publication, shall cause all such notices to be published in two  
6 newspapers qualified by law and designated by majority vote of  
7 the board of freeholders to publish the county's legal notices. The  
8 two newspapers designated by the board of freeholders shall be:  
9 a. both printed and published in the county one of which shall be  
10 either a newspaper published at the county seat of such county or  
11 a newspaper published in a municipality in such county having the  
12 largest population according to the last population estimate pub-  
13 lished by the Division of Economic Development of the New Jersey  
14 Department of Labor and Industry or  
15 b. one printed and published in such county and one circulating  
16 in such county, if only one daily newspaper is printed and published  
17 in such county; or  
18 c. one published at the county seat and one circulating in the  
19 county if no daily newspaper is published; or  
20 d. both circulating in such county, if no newspapers are printed  
21 and published in such county.

#### J. GENERAL PROVISIONS

- 1 143. Partial invalidity. If any clause, sentence, paragraph,  
2 section, or part of this act shall be adjudged to be invalid by any  
3 court of competent jurisdiction, such judgment shall not affect,  
4 impair or invalidate the remainder thereof, but shall be confined  
5 in its operation to the clause, sentence, paragraph, section or part  
6 thereof directly involved in the controversy in which such judgment  
7 shall have rendered.
- 1 144. Short title. This act shall be known as the "Optional County  
2 Charter Law."
- 1 145. Effective date. This act shall take effect immediately.

APPENDIX E

*THE OPTIONAL COUNTY  
CHARTER LAW*

A Commentary

Reprint November 1973

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## INTRODUCTION

Any bill as long as the optional county charter bill must be quite complicated, and any bill permitting such a fundamental change as reorganization of county government must be quite controversial. This commentary is an attempt to explain the complications and to show why this particular bill, or at least its basic intent and assumptions, should not be clouded in major controversy.

To begin with, this bill is entirely voluntary or permissive in nature. No county would be required to consider changing its charter, nor, if it did choose to consider such a change, would it necessarily have to adopt the change it considered. Even if it chose to do so, the bill would impose no great strictures on important local options, such as how to organize the county's government into departments, or which agencies to consolidate or which to leave intact, or which services to provide to municipalities on a contractual basis. All these questions would be left to the county's Board of Freeholders to decide in the administrative code and by subsequent ordinance and resolution, subject, of course, to the legislature's continuing and inalienable right to redefine the responsibilities or duties of the county government.

In terms of basic powers, this bill may be viewed in terms of three questions:

(1) What powers does this bill give the county over its own internal structure?

This bill would give the Board of Freeholders the power to decide the entire administrative structure of the county, so that if they saw fit they could consolidate some of the 266 autonomous boards, agencies, and commissions operating at the county level into operating departments, thus giving the elected officials representing the taxpayers closer control over expenditures and programs. At present, 80% of the counties' budgets and 70% of their employees

are under the control of these agencies, thus depriving elected officials of the freedom to do their job properly to insure the best expenditure of tax monies. In some cases, of course, a county may wish to retain in existence one or more of these agencies in their present form; this bill merely would permit consolidation, not mandate it. In terms of internal organization, then, the bill permits much greater centralization of authority in elected officials and yet permits them to direct the pace of this centralization.

(2) What will be the relationship between the county and the state under this bill?

This bill cannot and does not give counties independence of legislative control; only a constitutional amendment could do this. This bill specifically states in article 2 that the county is the creature of the legislature, and that the legislature is and shall remain completely free to mandate new duties or to change the shape of county government as it sees fit. The only power this bill would give counties vis-a-vis the state is that, once the legislature mandated a duty to the county, the county would be able to perform the duty or service through any agency it wished, unless the legislature clearly stated that a particular agency has to be employed or created. This provision would also apply to agencies now in existence. For example, if a county adopts a charter under this act, it would have the right to decide that instead of an independent welfare board it wished to provide welfare services through a county department of social services, and thus, while it still had to provide the welfare service, it would do so through a department rather than an independent agency if it wished to do so. The advantages of the approach are obvious: it allows the elected leaders to gain closer control over major expenditures, and at the same time it allows for integration of similar agencies--in this case welfare, health and other social services might be merged into one coordinated agency, thus eliminating duplication and providing better services more efficiently. Once again, the county would not have to do this, but it might if it wished to do so. At the

same time, the legislature may prevent this from happening in the case of existing agencies simply by passing a bill immediately subsequent to the passage of this bill prohibiting the abolition of certain independent agencies. This would prevent the counties from abolishing whatever agencies the legislature felt it should not. But in any event, the county's basic obligation to perform the task mandated by the legislature does not change, even though they are given latitude to select whatever organizational framework they wish to employ in performing the mandated duty.

(3) What powers will this bill give the county vis-a-vis municipalities?

The only power this bill would give to counties in terms of municipalities is the power to contract with municipalities, and all other units of government, to perform any task on behalf of that municipality or other unit, which that unit feels it wishes to contract with the county to perform. In other words, only where the local unit wants the county to provide some service on a contractual basis in lieu of the local unit's undertaking to provide the service itself, would the county be free to act. The county would have no original powers but act only as the contractual agent of the municipality or other unit. All contracts under this provision must be specific and capital costs involved with the service contract must specifically be approved by the local governing body and be explicitly stated in the contract.<sup>1</sup>

The Commission realizes that county-municipal cooperation has often been overlooked, and as a result the bill enables counties to establish county-wide and regional or intra-county councils of mayors, to meet with the Board and county officials to discuss plans, provision of services and common problems, so that municipal government leaders and officials will know what the county is doing and vice-versa. Finally, the bill provides that the municipality is and shall remain the board repository of local police power with the right to legislate for the health, safety and welfare of its inhabitants.

Thus, it is clear that the major changes this bill would propose represent limited legislative permission for local option, both to make improvements in county government as needed, and to build a closer working relationship with municipalities.

This bill provides for four basic optional forms, each of which will be discussed in detail later, but it is important to note here that even these are not the only choices available, for a county is free to design its own special charter for submission to the legislature if it so desires.

Thus, the entire theme of the bill is permissive in every major detail. The bill is the result of almost two years of study of county government in New Jersey, and the Commission, as it stated in its report, County Government: Challenge and Change, believes that making these options available for our counties is of vital importance if we wish to preserve and strengthen our local government system.

In designing this bill, the Commission tried to produce a workable, politically realistic, and sound system for adoption. Many of the criticisms levelled at the Optional Municipal Charter Law (Faulkner Act) have been examined and the Commission has tried to avoid many of the pitfalls of that act, of other charter bills, and of similar legislation, as the detailed commentary which follows indicates. It is the hope of the Commission that the basic assumptions and intent of this bill will remain and come into law, but that all constructive changes and amendments to improve the legislation will also emerge.

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<sup>1</sup> With the subsequent passage of Senate Bill No. 306, "Inter-Local Services Act," the provision for county-municipal contract services exist in any case.

<sup>2</sup> (See next page.) This percentage was raised to 10% by Senate Committee Amendment.

ARTICLE 1. PROCEDURES FOR ADOPTION OF OPTIONAL  
COUNTY CHARTER PLANS

General Comment: In many respects, the format follows closely on the Faulkner Act, and many minor sections where policy is not in issue are particularly close to the language of N.J.S.A. 40:69A. Perhaps the most important assumption underlying the provisions of this draft is that structural improvement of county government is vital for all counties, and imperative for our urban counties. With that in mind, the provisions have been drafted to facilitate and encourage charter study commissions. Obviously, such an assumption might be branded as "change for change's sake," and it would be true--if the Commission had not undertaken a year-long study of county government and determined that substantial structural changes are vitally needed in all non-rural counties. It is based on the evidence described in the Commission's second report--County Government: Challenge and Change--That the Commission has become convinced that there is "an urgent need" for structural change in county government.

Comment on Sec. 1. In accord with the assumption expressed in the general comment, the percentage for signatures on the petition to put the charter study question on the ballot has been set at 5%.<sup>2</sup> While this is significantly lower than the Faulkner Act percentages, it must be borne in mind that most counties have well over 100,000 people. Even a 10% requirement can be seen in urban counties as follows:

SIGNATURES REQUIRED AT 10%

County	Signatures Needed (1968 registration figures)
Bergen	43,258
Essex	40,200
Passaic	19,357
Hudson	27,290
Middlesex	24,436
Monmouth	18,044
Mercer	13,455
Camden	20,230

Clearly, this places an inordinate burden on interested citizens, particularly when the Freeholders can put the charter study question on the ballot by resolution. Moreover, this is only to put to a vote the question of establishing a commission to study the matter, and therefore 5% is not an inordinately low figure. It must further be remembered that unlike municipalities, counties are extremely large units of territory, containing many semi-sovereign units, and in a county with 250 sq. m. and 30 municipalities, interested groups will be hard pressed to obtain sufficient signatures even at a 5% rate.

Guidelines in this area are quite scant, but what exists seems to favor a low figure. The required number of signatures for placing the question of a county's adopting civil service on the ballot is only 500. N.J.S.A. 11:20-2. Similarly, resubmission of the question of establishing a county park commission the year after the referendum has failed requires signatures of only 2% of the voters in the last election, N.J.S.A. 40:202.1. And the petition requirements for placing on the ballot a referendum on the hours and wages of park police is 3%, N.J.S.A. 40:37-248.

The Model County Charter does not have provisions exactly in point here, but it may be noted that it sets a 10% figure for petitions on initiative and referendum. It is obvious that initiative and referendum requirements are always much higher than charter study requirements (under the Faulkner Act, for instance, the petition requirements for initiative and referendum are 25% for municipalities below 70,000 population and 15% for municipalities above, N.J.S.A. 40:69A-184, while charter study petitions require only 10% in municipalities of over 70,000 and 20% in municipalities of 7,000-70,000 population, N.J.S.A. 40:69A-1). Thus, one can assume that if the model charter had charter study provisions they would be in closer accord with a lower signature requirement.

It has been suggested that the best guideline to follow would be that for special legislation found in N.J.S.A. 1:6-11, which

calls for 20% or 15,000 whichever is lower. Even this provision would work substantial inequities and inconveniences, for it would require charter adherents in 14 of our 21 counties to gather the 15,000 signature requirement, and only people in our seven most rural counties--counties which may not need a charter for some time--will be in a position to gather sufficient signatures for the charter commission referendum easily.

One more distinction can be made between this high requirement and the lower one recommended. While it is true that the higher figure is the most recent--dating to 1948--it must be remembered that this procedure is the beginning of the procedure for adopting special legislation, and as such there is a clear constitutional mandate to require a substantial showing of public interest and approval; thus, the need in that provision to establish a higher limit. Second, the requirement in 1:6-11 applies to both counties and municipalities, and therefore it can be argued that the legislature was trying to strike a figure which would neither be too high for counties nor too low for municipalities. In this legislation we need not be concerned with this problem. Third, one might distinguish the two problems by their nature. In the provisions for special legislation, it is envisioned that the legislature will act on a definite bill presented in accordance with the intent expressed in the petitions, while all the charter study petition accomplishes is to place a charter study question on the ballot, and even if the question is approved, the result is only the establishment of a study commission. Thus, there is no compelling reason for setting as high a figure as in the special legislation procedures, and in fact doing so would act as a definite hindrance to those seeking improved county government.

Comment on Sec. 2. The charter study commission size is here set at 9, as opposed to the Faulkner Act's 5. The reason is principally that the county is so large that a larger commission should be required to examine it. After all, our smallest counties have



over 50,000 people and employ 200-300 officials, and our urban counties have between 500-900,000 people and employ thousands. Comment on Sec. 3. The clear intent of this provision is to encourage qualified people to run for the charter study commission by setting a fairly low signature requirement for nominating petitions. Once again, the intent is to draw to the commission qualified men who will be of independent and sound judgment. On the other hand, it might be noted that only 100 signatures are needed to nominate a Freeholder candidate, so the charter commissioner requirement doubles the existing requirement for county office.

While the Faulkner Act called for 3%, the petition requirement called for signatures of 3% of the registered voters of the municipality, the original draft of the Act called for 1%, and this one would think is the sounder view if one wishes to have independent commissioners. It is worth noting that the Model County Charter requires only 10 signatures on nominating petitions for district county councilman and 1% in at-large cases.

It is clear that if one favors the notion of independent charter study commission candidates, a low figure is desirable. This is not to suggest that the established political and governmental leaders have no place in the deliberations. On the contrary, they are to be given a key role, as is described in Section 8. This provision, however, is meant to favor the independent and interested citizen. Comment on Sec. 8. The intent of this provision is to recognize that governmental reform cannot be carried on in a vacuum. The Commission staff's research indicates that county chairmen play a formative role in any such reform, as indeed they play a key role in county government itself.

Similarly, the Board of Freeholders should clearly have a voice in the deliberations, both because the policies to be established will effect county government and because the Board's cooperation is essential to any good and thorough study of the county and to real implementation of the Commission's findings.

The legislative interest in county government is strong, and the perspective offered by an experienced legislator can be of immense value. Moreover, if special legislation is to be recommended, or if the charter commission feels that it should seek to amend existing statutes because of problems it has unearthed, then the legislator will be in an excellent position to execute the request. As to the presence of mayors, there can be little question. Municipalities are in many instances the prime clients of county government, and their relationships, based on working provision of services, often give a different view and perhaps a more technically oriented view than might otherwise be available. The fact that the mayors of the largest and smallest municipalities were chosen is perhaps somewhat arbitrary, but one can almost assume that their viewpoints, their knowledge of the county, and their political philosophies would differ significantly, and thus they would bring both experience and diversity to the panel.

This section specifically prohibits the advisory committee's endorsing or opposing the report as a body, the reason being that since they are not voting members they should not have the right to sign or dissent from the written report, for they are not the elected charter study commissioners and should have no official recommendatory role, although nothing can prevent them from expressing their opinions informally, individually or as a group. This section merely denies them access to the official commission communications to express their opinions. As was previously stated, the intent in the last paragraph of this section is to have the advisory panel composed of people in office at the time of the charter study, and this means the new Freeholder Director, the new senior legislator (or the re-elected senior legislator), etc.

Obviously, in the case of mayors under non-partisan Faulkner forms and County party chairmen, there may be replacements as of July, but these would occur automatically. The intent here is to involve the most influential officials in the county's politics and

government in the charter study, so that they can hopefully contribute to the effort and insure its passage. While no real charter can pass if opposed by both parties and all major officials it is hoped that the advisory body will seek to participate constructively to make pragmatic compromises, and to gain support for a good charter and administrative code.

Comment on Sec. 9. Given the paramount state interest in county government, it is essential that the state's interest be represented, and that the state's plans for regional activities involving the county be discussed with the men reshaping the county's government. Our Legislature has on several occasions indicated that there is a clear need for explicit state involvement in county reform. After considering alternatives, it was determined that it would be impractical to form a cabinet-level special committee or to set up a special agency to perform this advisory function. At the same time, it was felt that the body should be continuing rather than ad hoc in nature, and since the Department of Community Affairs is an advisor to local government, and since it carries on extensive informational and consulting programs for county and municipal government, it was felt that giving the Commissioner of the Department this job would be the most efficient and effective and at the same time the simplest way to solve this problem.

Comment on Sec. 12. While this section does not diverge significantly from the Faulkner Act, the intent is not merely to publish the form of government selected, but to explain in clear and simple language what the form does, so that the average voter can, with a minimum of effort, make a reasonable choice as to whether he favors or opposes the change. Moreover, the section insures municipal leaders and the public at large will have access to the Commission's report.

Comment on Sec. 13. This section gives the charter study commission a right to draft and submit suggested provisions for the

administrative code. The purpose of this is to insure that those who have spent nine months examining the problems of county government make detailed recommendations for change to the Freeholders. In fact, some of these recommendations can perhaps be implemented even if the charter proposal is defeated.

Comment on Sec. 14. The intent here is to circumvent the long form for sub-options used by the Faulkner Act. Many people involved with local government have felt that the Faulkner Act's 15 options are too many, and that the county charter law should simplify this system if possible. This draft attempts to do this by making a clear legislative declaration that any of the four alternative forms of government found in Articles 3-6 of this act combined with any combination of the alternatives selected from Sections 14.a, b, and c shall be viewed as a complete option provided by the legislature. In other words, the attempt is to eliminate the problem of delegation by clear legislative declaration that any combination within the prescribed alternatives is a whole option as envisioned by the legislature in the passage of this act. Similarly, standards are set with some specificity so that there is clear evidence of the criteria to be used in the selection of alternatives.

Comment on Sec. 15. The time limit provisions here require that the study report be filed in time for a general election unless the commission decides to choose a special election at some point. The chances of the charter study commission's advocating a special election are so small that it is more than likely that virtually all charter referenda will appear on the general election ballot in November.

Comment on Sec. 19. The provisions in this and the following sections are based on the Faulkner Act, with a 15% signature requirement placed on the petitions to discourage this direct consideration method, simply because it does not permit sufficient study of the problems of county government and would therefore call the question to a vote prematurely and without a fair hearing. On the other hand,

there may be situations in which this provision might be useful, both in the future and almost immediately. In fact, there are several counties which have undertaken substantial charter and/or administrative studies, and they might well wish to take this route to achieve their charter change more quickly, since they have already spent a great deal of time designing a suitable form of government. Comment on Sec. 22. This provision, carried over from the Faulkner Act, merely puts a "freeze" on other charter activity while one previously undertaken determination or study of the question is under way.

## ARTICLE 2. INCORPORATION AND POWERS

Comment on Sec. 26. The intent of this section is to define with some specificity the problem which seemed to cause concern during previous county charter debates -- the definition of general law and the degree of independence which a county with a charter would have from the legislature. This section tries to state explicitly that while the legislature can mandate duties to the county, the county will have the freedom to decide how those duties will be carried out -- except that the legislature can specifically forbid the county from consolidating or abolishing any particular unit heretofore existing, or it may in legislation passed hereafter specify that the county shall perform a task through a particular agency. All this section does, then, is to give the county power to alter, consolidate, or abolish presently existing agencies, whether mandated or not, provided that the county continue to perform the services which have been mandated to that agency and provided that the legislature does not now or hereafter require the existence of such an agency in any particular form. A statement of intent is added simply because in cases arising under the Faulkner Act the courts have continually relied on such statements for guidance, and clarity of purpose may prevent costly and time-consuming litigation on this point. It may also serve the purpose of assuring the legislature that their powers over counties are not and cannot be substantially diminished.

Comment on Sec. 27.b. The use of the word ordinance may raise questions, but this is more a matter of nomenclature than substance. Counties have some police powers -- regulating park use, etc., and what they pass as resolutions may in municipalities be ordinances -- e.g., salary resolutions. If indeed the distinction is somewhat artificial, there seems little reason for not permitting this change in nomenclature, especially since the intent of this act is to upgrade the status and powers of the county's Board of Freeholders and to prepare the county for a more significant role in local government, and since other sections of this act specifically protect the municipalities' primacy in legislating for the general health, safety and welfare of its inhabitants. Moreover, section 100 provides clear definitions of ordinance and resolution powers and procedures.

The phrase "notwithstanding the effect of any previous referendum" is intended to give the Freeholders power to consolidate such agencies as park commissions which may have been originally established by referendum. Civil Service, also established by referendum, is protected in other sections of the draft specifically relating to it.

Comment on Sec. 27.q. This section permits the county to contract to perform any service for any unit of government desiring the county to undertake such performance. It specifically eliminates the possibility of counties' 'contracting' with municipalities to pay for county services -- a possibility raised by critics of previous charter bills. The only services which the county may contract to provide under this section are those which the unit with which it is contracting is empowered to perform. The units in question can be municipalities within the county, or other units within the county, or they can be in an adjoining county. In the latter case, permission of the other county's Board of Freeholders is required. This provision also contemplates the county's contracting with an authority providing services to municipalities in an adjoining county.

The scope of this provision is very broad, because it is envisioned that under such contractual arrangements the county could perform a host of services for other levels of government. The State, for instance, might wish to contract with the county to perform air pollution inspections; municipalities might wish to contract to provide one, two, or even all major municipal services, as is done in Los Angeles County, California, on a voluntary basis. The section states that the county shall be deemed the general agent of the contracting power, so that while the county may undertake police or regulatory functions, it does so not as the principal but as the agent, enforcing standards set in statute or by ordinance and its own regulatory powers are administrative and not policy-making in nature. The county's powers derive from the contract, and they are only powers of enforcement and administrative regulation -- not legislative in nature. Obviously, from a practical view the county will exercise considerable power, but if the other unit wishes this it is not necessarily a bad thing. Moreover, if sufficient units contract with the county, it is likely that in addition to uniformity of standards and administrative efficiency better services and economies may result. The power to contract is broad -- but only if the potential parties to such contracts wish to exercise this power.

This section also attempts to restate the relationship of counties to municipalities and the state, and, together with the next section, seeks to give the courts guidelines to show where county powers should be construed broadly and where they should be viewed narrowly.

### ARTICLE 3. COUNTY EXECUTIVE PLAN

General Comment on Article 3. The County Executive Plan provides for a popularly elected Chief Executive -- an office with strong policy and administrative powers. The Executive is given such organizational powers as control over all county personnel, the county budget and all county agencies and departments. He may veto actions of the Board of Freeholders. These powers assure firm

program direction in the hands of an officer who is responsible to the electorate and aware of pressing issues with which he must deal if urban county government is to increase its efficiency and effectiveness.

The plan furthers the goal of professionalizing the administration of county government and its service functions by the appointment of a trained administrator responsible to the Executive. Finally, the County Executive Plan establishes the Board of Freeholders as an effective and powerful legislative branch of county government. The Board is charged with performing all legislative functions as well as having general supervisory powers over all phases of county government.

The Executive Plan is particularly applicable to New Jersey's urban counties where strong and decisive leadership is necessary to overcome the diversity of population groups and types of communities within the county. Many of New Jersey's counties are experiencing a rapid growth and in the process are encountering complex problems which call for centralized and professionalized administration with policy leadership vested in an Executive who is visible and responsible to the voting public. The County Executive further conforms to the New Jersey tradition of party leadership and political competition and the strong executive form is characteristic of government at the national, state and municipal levels.

Comment on Sec. 37. Powers. The County Executive Plan provides for a popularly elected Chief Executive whose duties include the complete supervision, direction, and control of the county government's administration. In the County Executive Plan he is given all of the powers necessary to fulfill his responsibility. The Executive may appoint and remove the Administrator and other county officials and he may exercise general policy supervision over these offices, as well. The Executive may attend Board meetings and also veto legislation passed by the Board. These provisions place the initiative for new policies and programs squarely on the Executive and allow him to translate the goals of his administration into



county policy and effective programs responsive to the electorate's needs and desires.

Comment on Sec. 41. The legislative power of county government is vested exclusively in the Board of Freeholders. Under this plan, the Board further has sufficient legal authority to oversee the operations of all county government. The Board is given the power to advise and consent to nominations, to override the Executive's removal powers, to overrule the Executive's veto and to approve and modify the budget. These grants of power effectively provide a legislative check on the power of the independently elected Executive and assure legislative safeguards over the operations of county government as part of a system of checks and balances.

Comment on Sec. 44. Duties. The Chief Administrator of the county is an experienced professional, fully qualified to aid and to perform the duties assigned to him by the County Executive. The Administrator is directly responsible to the Executive, who may dismiss him without Board approval. The appointment of an Administrator who is responsible to the Executive alone, assures the goal of central professional administration for the county as well as focusing all policy leadership squarely within the executive department.

#### ARTICLE 4. COUNTY MANAGER PLAN

General Comment. While the county manager plan has usually proven most effective in states where partisan politics in local government are not as deeply rooted as in New Jersey, the plan may work successfully in relatively homogeneous counties where there is substantial agreement about policies and directions for county government and where political competition is at a minimum. The plan vests overall political responsibility in the county legislative body rather than dividing it between an elected Board and a separately elected chief executive, and it facilitates the most

pronounced administrative/legislative separation of functions. The Board under this plan operates as a single legislative body with overall county policy perspectives while, at the same time, the manager provides highly professional and non-partisan administrative leadership. The provisions concerning the qualifications of the manager, his duties, powers and responsibilities and finally his political responsibility to elected officials are substantially the same as those that have become familiar and proved successful in more than 1,400 communities serving over 28,000,000 people. Fifteen counties in eight states are recognized by the International City Managers Association as having bona-fide council manager plans and many others have chief administrative officers whose positions and responsibilities more or less closely approximate those of recognized county managers.

Comment on Sec. 47. The intent of this provision is to make clear that the county manager shall be a skilled professional, fully qualified to assume the responsibility for the administration of the county government. The county manager is subject to appointment, removal and general supervision by the Board of Chosen Freeholders. In cases where removal proceedings have been initiated by the Board against the manager, he is given the opportunity to respond, at a public hearing, to a specific notice of charges and complaints which is served prior to the hearing. The provisions regarding the qualifications, appointment and term of the county manager closely follow similar sections in both the Faulkner Act and the Model County Charter of the National Municipal League.

Comment on Sec. 50. The most important feature of the county manager plan is its centering of responsibility for the administration and operation of county functions in the manager's office. This office becomes the sole repository for administrative power as well as being charged with the obligation to initiate recommendations for change. With the presence of a qualified professional at the helm, but responsible at all times to elected officials, it is assumed that the county would be far better equipped to undertake

local services and to produce efficient and responsive government, faithful to the policies of the legislative body. At the same time the manager is at all times subject to the Board and therefore to constant scrutiny by elected officials.

Comment on Sec. 51. The object of this section is to allow the county manager a good deal of freedom in staffing county administrative departments and agencies. The fact that the manager may appoint and remove the deputy manager, the heads of all county departments and all other administrative officers and county personnel is vital to the administrative independence of the managers and furthers the goal of recruiting a high caliber professional staff which can successfully implement county programs and policies. Although the manager is given a great deal of discretion, county employees are adequately protected against unwarranted removal from office by civil service safeguards, resolutions of disapproval of the manager's removal action by the Board and the right of the employee to a public hearing and plenary hearing on the merits. The manager can appoint, employ and fire unconditionally. The Board can fire only the manager, but can also overrule his actions and recommendations. This provides for independence in administrative matters, while making the chief professional accountable to elected legislators.

#### ARTICLE 5. COUNTY SUPERVISOR PLAN

General Comment. The elected supervisor plan stands between the strong manager and elected executive plans. The plan calls for an independently elected supervisor who plays a leadership role but yet who does not have all of the power held by the elected executive. Similarly, the plan provides a strong emphasis on professionalizing the operations of county government by the appointment of a chief administrator yet, again, the administrator does not wield the same authority found in a strong manager.

Finally, the plan vests a good deal of power in the Freeholder Board. It is felt that this plan would operate most beneficially

in counties where neither the strong manager nor the elected executive plan are politically acceptable, and in counties where political competition is not intense.

The county supervisor plan was specifically designed for the New Jersey setting; it has no real counterparts at the national level, and it in many ways represents a departure from traditional academic notions on public administration.

The supervisor is in reality the head of the Freeholder Board; he presides at its meetings and votes in case of ties. Yet, he has some executive powers as well, but far less power than a county executive would. The supervisor is nominally the immediate superior of the county administrator, but yet the administrator, through presentation of the budget and budget message, and through his being hired and fired by the Board as a whole, retains a direct relationship to the Board and is thus to some degree independent of the supervisor.

While students of public administration may feel that this system is too complex in its mixing of responsibilities, this plan is proposed as an alternative for some New Jersey counties. In many areas, one-party control is strong, yet pressures for growth and urbanization are also great and many crucial policy decisions must be made. A county manager plan might well fail to provide policy leadership in such a setting. At the same time, a county executive plan, centering power in one man, might prove politically infeasible. This plan is designed to meet such exigencies, in that the Supervisor has both a public mandate, being elected at large for his post, and the power to propose legislation, break ties and veto legislation, and in addition preside over the Board. Yet, the Board retains sufficient control over the administration of the county to insure that the supervisor will not be the exclusive source of county policy and direction. Furthermore, as a plan featuring all at-large Freeholder seats and concurrent terms is chosen, this would strengthen the hand of the Board, since the individual Freeholders would have the same constituency as the Supervisor and the same term of office. This would further tend to equalize the

positions of the Supervisor and Freeholders, insure a closer working relationship, since they must work together to produce the results to show their constituents if they wish to be reelected, and thus the plan would also promote greater party responsibility as well.

This plan will hopefully provide an alternative when strong manager and executive forms are unacceptable and a weaker Board President form would be unworkable.

Comment on Sec. 65. Powers. The county supervisor is given the powers of appointment and removal, executive veto, as well as specified powers over administrative operations of county government. The intent here is to provide for a leadership role by an independently elected executive. This goal is furthered by allowing the supervisor to vote in case of ties on issues before the Board of Freeholders and to delegate powers and duties to various department heads and agencies within county government.

Comment on Sec. 67. The Board of Freeholders is established as a strong, independent arm of county government. The fact that the Board can override the executive's veto, approve the budget, pass on all appointments, and appoint and remove the county administrator somewhat diminishes the independence of the supervisor and administrator and places it within New Jersey traditions of vesting strong powers in the elected Freeholder Board.

Comment on Sec. 70. Duties. The chief administrator is charged with the general supervision over the functioning of county government. Placing the largest portion of administrative power, responsibility and initiative with the administrator emphasizes the concern with professionalism and a more efficient and better equipped system which can best perform services and enact new programs.

Comment on Sec. 71. Powers. In order for him to discharge the responsibility effectively for the efficient administration of the county's government, the administrator has the power to appoint and remove county personnel and to direct the work of all county administrative departments. Moreover, he prepares the county budget and presents the budget message and thus has jurisdiction in this area independent of the supervisor.

## ARTICLE 6. BOARD PRESIDENT PLAN

General Comment. The board president plan provides for a president selected from their membership by the Freeholders. The president exercises executive power but does not have the extensive powers and controls given to an independently elected county executive. The president can give some policy leadership, but he serves primarily as a representative of and spokesman for the Board. He provides a liaison between the legislative body and the county administrative agencies and departments which are under the direct supervision of the chief administrator.

This plan specifies that the Board appoint a professional administrator. The administrator is responsible to the Board for the administration of county government. He directs all county personnel and departments, prepares the budget and may exercise the powers of appointment and removal. The powers enable him to professionalize the administration of county government and to carry out the county programs and policies effectively.

All legislative power in the county is vested in the Board of Freeholders. The Board exercises effective controls over the affairs of the county through its ability to appoint and remove the administrator, to approve the appointments and dismissals of county personnel.

The board president plan provides a clear separation of legislative and administrative functions and reduces the probability of conflicts between the appointed executive and the Board. This plan would prove most effective and would lend itself most easily to those New Jersey counties where there is minimal political competition and where conflicts over major policy issues are not intense.

Comment on Sec. 72. Duties. The board president is not elected at a general election of all voters in the county. He is appointed from among the Freeholders to oversee the administration of county government and is given only certain narrowly defined powers. The president functions chiefly as representative of, and spokesman for

the governing body of the county. He also acts as a liaison between the board and the chief administrator but has no authority over appointments, dismissals or other policy aspects of county administrative departments and agencies.

Comment on Sec. 81. The Board of Freeholders, in the Board President Plan, retains maximum power. Along with the power to perform all legislative tasks, the Board, through the power to pass on all appointments and removals and to approve the annual capital and operating budgets has sufficient authority to oversee all facets of the operation of county government.

Comment on Sec. 84. The duties and responsibilities given the chief administrator involve over-all coordination and supervision of the administrative side of the operation of county government. His office is charged with providing a professional managerial focus while carrying out the intent of the legislative body. Legislative and administrative offices are provided with a direct line of communication in the person of the board president who is involved in both aspects of government thereby providing valuable experience and liaison services.

#### ARTICLE 7. PROVISIONS APPLICABLE TO ALL PLANS

Comment on Sec. 86. The attempt in this section is to insure that there will be a clear separation of powers in county government, similar to that at the state and national levels of government.

Unlike the provisions of the Faulkner Act, this provision delineates specific investigatory powers for elected officials in some detail and therefore tries to overcome one of the main criticisms voiced about the operation of the Faulkner Act -- that it virtually prohibits elected officials from close scrutiny of the county's operations.

This provision is an attempt to recognize that elected officials must be able to examine any area of county operations they wish, for if they cannot do so, much of their effectiveness as elected representatives of the people will be lost. The problem

here is simply that one must provide full powers for examination without building standing committees which in effect would put the Freeholders back into the position of part-time administrators. The provisions in this section, in effect, give continuing investigatory jurisdiction to the Freeholders, both individually and collectively, but yet, there is an implicit prohibition against institutionalizing any single body or group within the Board in a watchdog role.

It is further important to note that under this section the Boards' right to question county appointees is provided for through a Board vote, so that while any Freeholder or group of Freeholders may require statements from the chief executive, only the full Board can require appointees under the chief executive to appear for questioning.

Comment on Sec. 87. While the Faulkner Act provision on appointments and dismissals is somewhat more stringent in some respects, this provision aims at applying realistic standards to governmental operations. The Board members are specifically prohibited from any attempt to discipline or reward any employee, except through passage of a resolution of disapproval after the chief executive has sought to discipline an employee.

While the Faulkner Act provided for dismissal from office for violations of the provision analogous to this one, the above section does not, for this is a difficult area in which to draw arbitrary lines. If a Freeholder upon investigation finds a county employee to be incompetent, surely his constituents would expect him to seek the man's dismissal or demotion or at least to make his evidence known to the chief executive. Moreover, what elected official can realistically be prohibited from writing a letter of recommendation for a constituent wishing to apply for a county job? This area is one where perhaps the best guide is a general statement of policy with clear protection in the most important area -- the area of attempts to undercut the authority of the chief executive over his staff.



Comment on Sec. 88. While the remedy of recall has been included in this act, the petition requirement has been set deliberately high so that it will be difficult to obtain signatures. Unlike any other petition in this act, the recall petition is an attempt to vote on an issue a second time -- it is in effect a second vote on the competence of an official elected by the people. Since the question has been put to a vote once, it was felt that only in extraordinary circumstances -- circumstances in which public opposition to the official was strong and widespread -- should recall be employed.

Comment on Sec. 107. The definitions and procedures relating to county legislation are drawn directly from municipal law, with the significant difference that a copy of all county ordinances shall be mailed to each municipality at least 10 days before final consideration and the final copy shall be mailed immediately after passage. This is to insure that all municipalities will know what the county board is contemplating and have a voice in Freeholder deliberations when municipal interests must be represented.

Comment on Sec. 124. Under this schedule, it will be approximately 2 1/2 years from the approval of the charter study referendum until the adoption of the administrative code reorganizing the county's government.

Nov, Year 1 ---- charter study referendum approved  
Nov, Year 2 ---- charter approved  
Nov, Year 3 ---- first Freeholder Board elected  
Nov, Year 3 ---- Freeholder organizational meeting  
May, Year 4 ---- administrative code adopted and  
in effect

While this seems to be a long time, the only alternative would be some sort of special election procedure which would be quite costly and perhaps even disruptive. The main argument in favor of special elections would be that it would give the incoming Freeholders several months in which to draft an administrative code. This draft has accomplished this in another way. The bill provides that

the first Freeholder Board elected after the charter change take office one week after election. This is intended to give them time to familiarize themselves with the county government and to prepare the coming year's budget, which they could not do if they came into office on January 1. Lack of budgetary expertise is usually a problem when 3 of 9 Freeholders are newly elected, but with all 9 possibly being new to county government, the extra time is essential.

Moreover the extra 3 months will provide an opportunity to examine the existing structure of the county first-hand. By setting back the effective date of the administrative code to May 1 and by having the new Board assume office immediately after election, the plan insures that the Freeholders will have had ample opportunity to develop an excellent and practical administrative code.

Comment on Sec. 129. The intent of this provision is to insure that all employees currently enjoying the protection of civil service will continue at their present level of benefits even though they will or may be operating under new departments.

Comment on Sec. 130. The Commission's study of county government revealed that the present state administration of civil service did not have the resources to undertake reclassification studies and other projects as often as desired, and that if the system was to be administered properly either the state administration had to be given the resources to do the full job effectively or some responsibilities had to be delegated to the county, with adequate supervision at the policy level from the state Commission. This provision merely envisions the latter situation; it does not require it and it seeks at the same time to set adequate standards to protect employees. In fact, the best system from the employees' view is one which is constantly updated to provide higher salaries and better benefits and competitive working conditions, and if the state organization cannot do this the counties within limits should be permitted to do so. From the county's point of view, a well-administered system is especially important as we enter into the

era of increased public employee unionization, so that conditions of work will be satisfactory and so that they will attract the best qualified workers to county government.

Comment on Sec. 133. Preparation and Submission. This and following provisions firmly establish the formulation of an Executive Budget for charter counties, an annual current expense and capital budget document, under the centralized direction of the Budget officer. In addition, it provides for public disclosures and participation in the budget process prior to enactment.

Comment on Sec. 134. Scope and Message. In addition to conforming to the requirements of the Local Budget Law, this section provides for a specified format in the preparation of the current operating budget and budget message. Such a format can facilitate the achievement of program and performance budgeting, while giving the Budget officer some flexibility.

Comment on Sec. 138. Appropriation Requests: Allotments. This section provides for the submission of appropriation requests as well as a quarterly allotment plan for their expenditure by each department, agency and office head to the Budget officer in time for him to exercise his discretion in calculating total county revenue needs and allocating them among county programs in the manner designed to achieve his sense of objectives and priorities. It requires the adoption of quarterly allotments to control the pace of expending approved appropriations with provision for allotment revisions if revenues fall short of approved appropriations. Thus, it provides for inputs by agency heads in the budgetary process, while maintaining the control by the Budget officer over the formulation of the budget and the expenditure of appropriations over the fiscal year, according to a statutorily prescribed format.

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